UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1997/2
E/CN.4/Sub.2/1996/41
25 November 1996

Original: ENGLISH/FRENCH/
SPANISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

Geneva, 5-30 August 1996

Rapporteur: Ms. Lucy Gwanmesia

CONTENTS

Chapter Page

I. Draft decisions recommended to the Commission on Human Rights for adoption 10

1. Prevention of discrimination and protection of minorities 10

2. Traditional practices affecting the health of women and children 10

3. Human rights and extreme poverty 10

4. Human rights and income distribution 10

5. The right to a fair trial 11

6. Question of human rights and states of emergency 11

7. Discrimination against indigenous peoples 11

8. International Decade of the World's Indigenous People . 12

9. Permanent forum in the United Nations for indigenous people 12

10. Protection of the heritage of indigenous people 12

11. Study on indigenous land rights 13

12. Study on treaties, agreements and other constructive arrangements between States and indigenous populations . 13

II. Resolutions and decisions adopted by the Sub-Commission at its forty-eighth session 14

A. Resolutions

1996/1. Situation in the Middle East 14

1996/2. Situation of human rights in Kosovo 15

1996/3. Situation of human rights in Rwanda 18

1996/4. Situation of human rights in Burundi 20

1996/5. Situation of human rights in Iraq 21

1996/6. Situation in the Palestinian and other Arab territories occupied by Israel 23

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1996/7. Situation of human rights in the Islamic Republic of Iran 27

1996/8. Racism and racial discrimination 30

1996/9. The right to freedom of movement 31

1996/10. Migrant workers 33

1996/11. Systematic rape and sexual slavery during periods of armed conflict 35

1996/12. Report of the Working Group on Contemporary Forms of Slavery 36

1996/13. Thirtieth anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and twentieth anniversary of their entry into force 43

1996/14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life . . 44

1996/15. Injurious effects of anti-personnel land-mines 45

1996/16. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life . . 47

1996/17. Prevention of discrimination and protection of minorities 49

1996/18. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery 52

1996/19. Traditional practices affecting the health of women and children 53

1996/20. Human rights and terrorism 54

1996/21. Implementation of the human rights of women and the girl child 55

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1996/22. Tenth anniversary of the adoption of the Declaration on the Right to Development . . . 59

1996/23. Human rights and extreme poverty 61

1996/24. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) 62

1996/25. The realization of economic, social and cultural rights 63

1996/26. Human rights and income distribution 64

1996/27. Forced evictions 67

1996/28. Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms 69

1996/29. The right to a fair trial 70

1996/30. Question of human rights and states of emergency 71

1996/31. Discrimination against indigenous peoples . . 72

1996/32. United Nations Voluntary Fund for Indigenous Populations and Voluntary Fund for the International Decade of the World's Indigenous People 74

1996/33. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) 75

1996/34. International Decade of the World's Indigenous People 77

1996/35. Permanent forum in the United Nations for indigenous people 79

1996/36. Religious freedom of indigenous peoples . . . 80

CONTENTS (continued)

Chapter Page

II. A. Resolutions (continued)

1996/37. Protection of the heritage of indigenous people 81

1996/38. Study on indigenous land rights 84

1996/39. The relationship between the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations 85

B. Decisions

1996/101. Thirtieth anniversary of the International Covenants on Human Rights 89

1996/102. The right to leave any country, including one's own, and to return to one's own country 89

1996/103. Working group on the administration of justice and the question of compensation . . 89

1996/104. Organization of work 89

1996/105. Voting by secret ballot on agenda item 6 . . 90

1996/106. Monitoring the transition to peace in Guatemala 90

1996/107. Humanitarian situation in Iraq 91

1996/108. The humanitarian situation in the Republic of Chechnya of the Russian Federation 91

1996/109. The right to freedom of movement 92

1996/110. Human rights and scientific and technological developments 92

1996/111. Composition of the pre-sessional working groups of the Sub-Commission 93

1996/112. Methods of work of the Sub-Commission 93

CONTENTS (continued)

Chapter Page

II. B. Decisions (continued)

1996/113. Reform of the work of the Sub-Commission . . 94

1996/114. Methods of work of the Sub-Commission 94

1996/115. Methods of work of the Sub-Commission regarding agenda item 6 95

1996/116. Recognition of gross and massive violations of human rights as an international crime . . 95

1996/117. Democratic society 96

1996/118. Study on treaties, agreements and other constructive arrangements between States and indigenous populations 96

1996/119. The administration of justice and the human rights of detainees 96

1996/120. Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination 97

1996/121. Dissemination of declarations of the Sub-Commission 97

Paragraphs Page

III. Organization of the forty-eighth session . . . . 1 - 22 98

IV. Review of the work of the Sub-Commission . . . . 23 - 50 101

V. Review of further developments in fields with which the Sub-Commission has been concerned . . . 51 - 87 104

VI. Elimination of racial discrimination . . . . . . 88 - 97 111

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

CONTENTS (continued)

Chapter		Paragraphs	Page
VII.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	98 - 171	113
VIII.	The new international economic order and the promotion of human rights	172 - 176	133
	A. The role and equal participation of women in development		
IX.	The realization of economic, social and cultural rights	177 - 208	134
X.	Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)	209 - 217	139
XI.	The administration of justice and the human rights of detainees	218 - 234	141
	A. Question of human rights and states of emergency		
	B. Individualization of prosecution and penalties, and repercussions of violations of human rights on families		
	C. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers		
XII.	The implementation of the human rights of women .	235 - 243	143
XIII.	Human rights and scientific and technological developments	244 - 249	144
XIV.	International peace and security as an essential condition for the enjoyment of human rights, above all the right to life	250 - 275	145

CONTENTS (continued)

Chapter		Paragraphs	Page
XV.	Discrimination against indigenous peoples	276 - 307	148
XVI.	Contemporary forms of slavery	308 - 322	152
XVII.	Promotion, protection and restoration of human rights at national, regional and international levels	323 - 330	154
	A. Thirtieth anniversary of the adoption of the international covenants on human rights		
	B. Prevention of discrimination and protection of children: human rights and youth		
	C. Human rights and disability		
XVIII.	Protection of minorities	331 - 345	155
XIX.	Freedom of movement	346 - 366	161
	A. Situation of migrant workers and members of their families		
	B. Population displacements		
	C. Right to leave any country, including one's own, and to return to one's own country		
XX.	Implications of humanitarian activities for the enjoyment of human rights	367 - 376	164
XXI.	Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers	377 - 382	165
XXII.	Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-ninth session of the Sub-Commission	383 - 388	166
XXIII.	Adoption of the report of the forty-eighth session	389 - 390	173

CONTENTS (continued)

Annexes

Page

I. Agenda 174

II. Attendance 176

III. Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its forty-seventh session 180

IV. Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights 181

V. List of studies and reports:

(a) Completed at the forty-eighth session of the Sub-Commission 182

(b) Ongoing studies and reports entrusted to Special Rapporteurs in accordance with existing legislative authority 182

(c) Annual reports entrusted to Special Rapporteurs in accordance with existing legislative authority 184

(d) Working papers and other documents without financial implications entrusted to members of the Sub-Commission in accordance with existing legislative authority 184

(e) Studies and reports recommended to the Commission on Human Rights for approval 186

VI. List of documents issued for the forty-eighth session of the Sub-Commission 187

I. DRAFT DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

1. Prevention of discrimination and protection of minorities

The Commission on Human Rights, taking note of resolution 1996/17 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities for a further two years with a view to its holding one session annually until 1999.

[See chap. II, sect. A, resolution 1996/17 and chap. XVIII.]

2. Traditional practices affecting the health of women and children

The Commission on Human Rights, taking note of resolution 1996/19 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for a further two years in order to follow up and monitor developments in the elimination of traditional practices affecting the health of women and children through, in particular, the implementation of the Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

[See chap. II, sect. A, resolution 1996/19 and chap. V.]

3. Human rights and extreme poverty

The Commission on Human Rights, taking note of resolution 1996/23 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the publication by the United Nations, in all official languages, of the final report on human rights and extreme poverty prepared by the Special Rapporteur of the Sub-Commission, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13).

[See chap. II, sect. A, resolution 1996/23 and chap. IX.]

4. Human rights and income distribution

The Commission on Human Rights, taking note of resolution 1996/26 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Sub-Commission's request that the Secretary-General organize a seminar of experts to develop appropriate indicators, as provided for in the Programme of Action of the World Summit for Social Development (A/CONF.166/9, para. 36 (n)), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a) to (m) of the Programme of Action.

[See chap. II, sect. A, resolution 1996/26 and chap. IX.]

5. The right to a fair trial

The Commission on Human Rights, recalling its decision 1995/110 of 3 March 1995 and taking note of resolution 1996/29 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests by the Sub-Commission that Mr. Stanislav Chernichenko and Mr. David Weissbrodt compile and update the study on the right to a fair trial and a remedy initially prepared by Mr. Chernichenko and Mr. William Treat, and that the full study, entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", be published in all the official languages of the United Nations, and recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, recalling its decision 1995/299 of 25 July 1995 and taking note of Commission on Human Rights decision 1997/... of .. April 1997, approves the request that the compiled and updated report on the right to a fair trial and a remedy be published as described in resolution 1996/29 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests the Secretary-General to provide all assistance necessary for the compilation and publication of the updated study."

[See chap. II, sect. A, resolution 1996/29 and chap. XI.]

6. Question of human rights and states of emergency

The Commission on Human Rights, taking note of resolution 1996/30 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requests the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

[See chap. II, sect. A, resolution 1996/30 and chap. XI.]

7. Discrimination against indigenous peoples

The Commission on Human Rights, taking note of resolution 1996/31 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to recommend that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the forty-ninth session of the Sub-Commission.

[See chap. II, sect. A, resolution 1996/31 and chap. XV.]

8. International Decade of the World's Indigenous People

The Commission on Human Rights, taking note of resolution 1996/34 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission that the Centre for Human Rights organize:

(a) A workshop of indigenous journalists, with the participation of appropriate departments of the United Nations and other relevant institutions and persons, in order to improve dissemination of information about the United Nations and its activities relating to indigenous peoples; and

(b) Further technical meetings on questions relating to indigenous land rights and claims in accordance with the recommendation made at the expert seminar on practical experiences regarding land rights and claims held in Whitehorse, Canada, from 24 to 28 March 1996, focusing in particular on issues such as the negotiation process and co-management regimes.

[See chap. II, sect. A, resolution 1996/34 and chap. XV.]

9. Permanent forum in the United Nations for indigenous people

The Commission on Human Rights, taking note of resolution 1996/35 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission that the Centre for Human Rights organize a second workshop on a possible permanent forum for indigenous people.

[See chap. II, sect. A, resolution 1996/35 and chap. XV.]

10. Protection of the heritage of indigenous people

The Commission on Human Rights, taking note of resolution 1996/37 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and considering the recommendations contained in the supplementary report submitted by the Special Rapporteur, Ms. Erica-Irene Daes, on protection of the heritage of indigenous people (E/CN.4/Sub.2/1996/22), recommends that Ms. Erica-Irene Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts. The Commission requests the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider how they can contribute to her work in this field, and to transmit the report of this meeting to the Sub-Commission on

Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights. The Commission also requests the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work.

[See chap. II, sect. A, resolution 1996/37 and chap. XV.]

11. Study on indigenous land rights

The Commission on Human Rights, taking note of resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the appointment of Ms. Erica-Irene Daes as Special Rapporteur to conduct a comprehensive study on indigenous land rights, and requests the Special Rapporteur to submit a preliminary report to the fifteenth session of the Working Group on Indigenous Populations and the forty-ninth session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to complete her study and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of the Commission on Human Rights decision 1997/... of .. April 1997, endorses the appointment of Ms. Erica-Irene Daes as Special Rapporteur to conduct a study on indigenous land rights and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to complete her study."

[See chap. II, sect. A, resolution 1996/38 and chap. XV.]

12. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, taking note of decision 1996/118 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to request the Special Rapporteur of the Sub-Commission on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session. The Commission requests the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1996/118 and chap. XV.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-EIGHTH SESSION

A. Resolutions

1996/1. Situation in the Middle East

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups,

Recalling also its resolutions 1995/2 of 3 August 1995 and 1994/13 of 25 August 1994 in which it reaffirmed that the achievement of a comprehensive, just and lasting peace in the Middle East was essential for the furtherance of human rights and fundamental freedoms in the area, welcomed the peace process begun at Madrid and supported the subsequent bilateral negotiations, endorsed the achievements of the peace process to date and urged all parties to implement the agreements which had been reached, and emphasized the importance of making progress in Arab-Israeli negotiations,

Having in mind Commission on Human Rights resolution 1996/7 of 11 April 1996, stressing the importance of and need for the achievement of a comprehensive, just and lasting peace in the Middle East, emphasizing that the achievement of such a peace is vital to the full implementation of human rights in the area, welcoming progress thus far, including the establishment of the Palestinian Authority and the elections for the Palestinian Interim Self-Governing Authority, supporting the declaration adopted at the Summit of Peacemakers held at Sharm-El-Sheikh, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, condemning acts of terrorism, from whatever source, in the Middle East which seek to undermine the peace process, expressing full support for the achievements of the peace process thus far, and encouraging the continuation of negotiations,

Noting with satisfaction the broad international support for the peace process and its contribution to the implementation and furtherance of human rights in the area,

Recognizing the significance of the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, the subsequent Agreement on the Gaza Strip and the Jericho area, signed by the Government of Israel and the Palestine Liberation Organization at Cairo on 4 May 1994, and the Interim Agreement on the West Bank and the Gaza Strip signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 28 September 1995, Recognizing also the significance of the Jordan-Israel Treaty of Peace of 26 October 1994,

1. Reaffirms that the achievement of a comprehensive, just and lasting peace in the Middle East is essential for the implementation and furtherance of human rights and fundamental freedoms in the area;

2. Supporting warmly the peace process begun at Madrid and the subsequent bilateral negotiations through which it has been continued;

3. Endorses the achievements of the peace process to date, which constitute important initial and continuing steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements which have been reached, expressing the hope that successful steps will be taken soon;

4. Calls upon all parties to the peace process to continue their efforts with undiminished energy, deliberateness and speed;

5. Encourages the permanent status negotiations begun pursuant to the Declaration of Principles on Interim Self-Government Arrangements;

6. Emphasizes the importance of making progress, as a matter of urgency, on the other tracks of the Arab-Israeli negotiations within the peace process;

7. Expresses its full support for the active role which the United Nations is playing in the peace process, and in particular for its assistance in implementing the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization.

19th meeting
19 August 1996
[Adopted without a vote. See chap. VII.]

1996/2. Situation of human rights in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its resolutions 1993/9 of 20 August 1993 and 1995/10 of 18 August 1995, Recalling also Commission on Human Rights resolutions 1993/7 of 23 February 1993 and 1994/76 of 9 March 1994, and General Assembly resolutions 49/204 of 23 December 1994 and 50/190 of 22 December 1995,

Gravely concerned at the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the further deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, killings, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees, discrimination in the administration of justice, arbitrary dismissals of civil servants, notably from the ranks of the police and the judiciary, doctors and other medical staff;

(b) Discrimination against Albanian pupils and teachers, and the closing of Albanian-language secondary schools and the university, as well as other cultural and scientific institutions;

(c) The systematic harassment, persecution, intimidation and imprisonment of members of political parties, human rights organizations and journalists, the elimination in practice of the Albanian language in the public administration and services, and the disruption of the Albanian-language media;

(d) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary migration, and the absence of clear guarantees for their return home, and noting that these measures and practices constitute a form of silent "ethnic cleansing",

Expressing appreciation at the opening of an office of the United Nations High Commissioner for Human Rights in Belgrade and the establishment of a United States information agency in Prishtina,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation there is of the greatest importance in preventing the situation in Kosovo from deteriorating into violent conflict, and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

1. Strongly condemns the large-scale repression, measures and practices of discrimination and the violation of human rights committed against the defenceless ethnic Albanian population by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), aimed at forcing ethnic Albanians to leave their land;

2. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo and revoke all discriminatory legislation, in particular that which has entered into force since 1989, and to apply all other legislation without discrimination;

(b) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of conflict there;

(c) Reopen all the educational, cultural and scientific institutions of the ethnic Albanians;

(d) Release all political prisoners from Kosovo;

(e) Commence an internationally brokered dialogue with the representatives of the ethnic Albanians in Kosovo;

3. _Encourages_ the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the office of the United Nations High Commissioner for Refugees and other appropriate humanitarian organizations, with a view to taking practical steps towards the safe return of the ethnic Albanian asylum-seekers from Kosovo to their homeland;

4. _Requests_ the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

5. _Calls upon_ the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in her reporting;

6. _Decides_ to continue the examination of the situation of human rights in Kosovo at its next session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)".

19th meeting
19 August 1996
[Adopted by secret ballot by 15 votes to 4,
with 5 abstentions. See chap. VII.]

1996/3. Situation of human rights in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Recalling its resolution 1995/5 of 18 August 1995, and taking note of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Welcoming the cooperation established by the Government of Rwanda with the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission appointed to investigate the human rights situation in Rwanda,

Noting with dismay that, more than two years after genocide on an enormous scale, no judgement condemning those guilty has been delivered either by the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994, or by Rwandan or foreign courts,

Concerned that persons responsible for acts of genocide are infiltrating Rwanda with the purpose of eliminating the witnesses of the genocide,

1. Commends Mr. René. Degni-Ségui, Special Rapporteur of the Commission on Human Rights appointed to investigate the human rights situation in Rwanda, for the reports he has submitted on the genocide of the Tutsis and the political assassinations of moderate Hutus which followed the attack committed on 6 April 1994 against the aeroplane transporting the Presidents of Rwanda and Burundi, as well as on the current human rights situation in Rwanda;

2. Requests the Secretary-General to provide the Special Rapporteur with any assistance he may need in the performance of his mandate, as well as any information and documents which may be of use to him;

3. Once again calls upon the Secretary-General to arrange for the necessary inquiries to be carried out to establish responsibility for that attack, which was the starting point of genocide and other massacres that cost the lives of 800,000 to 1 million persons, including 10 soldiers on a peace-keeping mission for the United Nations;

4. Appeals to the international community to provide the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring

States, between 1 January 1994 and 31 December 1994, and the Government of Rwanda with the necessary means to enable them to prosecute and try those guilty of such genocide and massacres;

5. Calls upon the Government of Rwanda to intensify its efforts to ensure that those persons who remain incarcerated, among whom are very probably innocent persons, are brought to trial;

6. Urges all States in whose territory there are persons allegedly responsible for acts of genocide to arrest those persons so that they can be tried by their own competent courts or extradited at the request of the International Criminal Tribunal or the Rwandan authorities;

7. Demands an immediate end to all action, carried out with the complicity of certain States, aimed at arming and training the militias and extremist elements in the refugee camps for the resumption of the war in Rwanda;

8. Encourages the voluntary return of Rwandan refugees to the country and their social reintegration, calling for the safety of all vulnerable groups in all the communes to be ensured;

9. Calls upon all States providing assistance to Rwanda to give particular attention to the needs of those who escaped the genocide, and in particular widows and orphans, so as to enable them to overcome the traumas from which they are suffering;

10. Calls upon the Government of Rwanda to devote particular attention to the situation of the Twa, in conformity with the rights guaranteed by the International Covenants on Human Rights and by the African Charter on Human and Peoples' Rights;

11. Commends the courageous work of the Rwandan human rights organizations which are devoting themselves under difficult conditions to promoting respect for human rights, drawing attention to any shortcomings that might occur;

12. Also commends the work of the human rights observers serving in Rwanda, on the initiative of the United Nations High Commissioner for Human Rights, to investigate the genocide and to promote respect for human rights;

13. Decides to continue its consideration of the human rights situation in Rwanda at its forty-ninth session.

19th meeting
19 August 1996
[Adopted without a vote. See chap. VII.]

1996/4. Situation of human rights in Burundi

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments in the field of human rights and international humanitarian law,

Recalling its resolution 1995/11 of 18 August 1995, and taking note of Commission on Human Rights resolution 1996/1 of 27 March 1996,

Welcoming the visit made to Burundi from 1 to 17 July 1996 by the Special Rapporteur on the situation of human rights in Burundi,

Noting with concern that the Special Rapporteur reported "genocide by attrition" and an "untenable" situation,

Alarmed by the multiple attacks and massacres of innocent civilians committed by the militia and armed bands of extremist groups, followed by acts of repression and vengeance by elements of the Burundian army, in defiance of the principles of international humanitarian law,

Noting that the National Convention of 14 September 1994, which, after the tragic deaths of President Melchior Ndadaye on 21 October 1993 and President Cyprien Ntaryamira on 6 April 1994, had made possible the appointment of President Sylvestre Ntibantunganya on 1 October 1994 and the establishment of a Government representing the main political forces in Burundi, was denounced, leading the Government to step down,

Expressing its profound regret at the failure of the process of democratization of Burundian public life and at the unconstitutional manner in which the return to the presidency of Pierre Buyoya took place on 25 July 1996,

1. Welcomes the authorization by the Security Council of the publication of the report by the International Commission of Inquiry into the assassination of President Melchior Ndadaye on 21 October 1993, and into the massacres that followed;

2. Hopes that the publication of this report will lead to the immediate removal from Burundian public life of those whose direct responsibility in that assassination and those massacres has been demonstrated, irrespective of their ethnic group or their position in Burundian institutions, including the army;

3. Calls upon the international community to provide substantial support to the Burundian judicial system so as to guarantee its independence, progressively encourage pluralism in the recruitment of magistrates and strengthen the impartiality of the judiciary so that all those responsible for human rights violations may be tried more efficiently;

4. *Invites* all the actors in the Burundian political scene, both inside and outside the country, to refrain from any actions and statements which could lead to violence and loss of human life;

5. *Expresses the hope* that the economic sanctions imposed on Burundi will not aggravate the already highly precarious situation of the Burundian population and of the very large number of refugees and displaced persons in Burundi, who depend entirely on supplies from abroad;

6. *Calls upon* the Burundian authorities to ensure the security of all Burundian citizens wishing to live in peace, irrespective of their ethnic origin, as well as of foreigners present in Burundian territory, including those who are providing humanitarian or other assistance to Burundi;

7. *Appeals* to the Burundian authorities to spare no effort in banishing the spectre of genocide, creating mutual trust and encouraging peaceful coexistence between ethnic groups by undertaking a comprehensive dialogue such as to enable Burundi to return quickly to the rule of law;

8. *Urges* the Burundian authorities to take vigorous steps to ensure that the Burundian army scrupulously discharges its mandate of safeguarding the security of all, even when it is faced with armed groups that do not themselves observe the rules of international humanitarian law;

9. *Welcomes* the recent agreement of the Burundian authorities to an increase in the number of permanent human rights observers;

10. *Decides* to continue consideration of the situation of human rights in Burundi at its forty-ninth session.

19th meeting
19 August 1996
[Adopted without a vote. See chap. VII.]

1996/5. *Situation of human rights in Iraq*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling Security Council resolution 688 (1991) of 5 April 1991,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, *Considering* that Security Council resolution 986 (1995) of 14 April 1995, which was adopted unanimously, authorizes the Government of Iraq to put additional quantities of its oil on the market to meet the basic health and nutritional needs of the Iraqi people,

Concerned at accumulated information and reports confirming the serious deterioration of the health and nutritional situation from which the majority of citizens with limited income suffer as victims of the international embargo, as well as at economic policy decisions depriving part of the national territory of supplies of medicines and foodstuffs,

Recalling its resolution 1995/3 of 18 August 1995,

Concerned at the heavy artillery bombardment of Kurdish regions, which has become very widespread and has particularly affected the city of Arbil, and the military attacks in July 1996 on civilians in the Al-Nassiriya governorate (marshlands), which caused many casualties,

Deeply concerned that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. Max. van der Stoel,

Noting the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1996/61), in which he noted the continued massive and grave violations by the Government of Iraq,

Deeply concerned at the internal embargo maintained by the Government of Iraq,

Welcoming the acceptance by the Government of Iraq of Security Council resolution 986 (1995) and the memorandum of understanding between the United Nations and Iraq concerning implementation of that resolution,

Hoping that this acceptance by Iraq will help alleviate suffering by allowing an equitable and fair distribution of humanitarian supplies to all the Iraqi people without any discrimination,

Convinced that a United Nations monitoring system is necessary to ensure an equitable distribution of humanitarian supplies to all regions of Iraq,

1. *Expresses its concern* at the exceptional gravity of the human rights situation in Iraq and therefore welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1996/61), that human rights monitors should be deployed there;

2. *Requests* the Government of Iraq to respect all its obligations undertaken in accepting Security Council resolution 986 (1995) of 14 April 1995 and to cooperate fully with the United Nations to guarantee a fair and equitable distribution of humanitarian supplies to all regions of Iraq;

3. *Demands* that the Government of Iraq immediately withdraw its military forces surrounding the marshlands regions in the south to allow access for the distribution by the United Nation of humanitarian supplies in this region and to allow the refugees from this region to return to their homes and occupations;

4. *Calls upon* the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, areas which are both still under siege, and to re-establish the electricity supply to both regions;

5. *Also calls upon* the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

6. *Demands* the repeal of the inhuman decrees providing for the tattooing and mutilation of opponents, as well as the rehabilitation of the victims of those decrees;

7. *Urges* the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

8. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

9. *Also requests* the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

10. *Urges* the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and to establish permanent aid centres;

11. *Strongly condemns* the violation of human rights by the Government of Iraq and the horrible deterioration of social conditions, and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

19th meeting
19 August 1996
[Adopted by secret ballot by 11 votes to 6,
with 7 abstentions. See chap VII.]

1996/6. *Situation in the Palestinian and other Arab territories occupied by Israel*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the principles of equal rights and self-determination of all peoples, Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with common article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly,

Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territory and to civilian persons in other occupied Arab territories,

Welcoming once more the ongoing Middle East peace process started at Madrid, in particular the signing in Cairo on 4 May 1994 of the Agreement on the Gaza Strip and the Jericho Area by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, and regretting the hindrance of the peace process owing to the Israeli attitude,

1. Reaffirms that the Israeli occupation of the Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross violation of human rights;

2. Also reaffirms that the continued imposition of collective punishment in the form of the closure of Palestinian territories since February 1996 and the isolation of occupied areas, after the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 13 September 1993, constitute grave violations of the principles of international humanitarian law and of the provisions of the

Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights, of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights;

3. *Further reaffirms* that the installation of Israeli civilians in the Palestinian and other Arab occupied territories is illegal and constitutes a gross violation of article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

4. *Affirms* that the persistence of Israel in maintaining and expanding its settlements and establishing new ones is contrary to the peace process;

5. *Calls upon* the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation, in accordance with article 1 of the Convention;

6. *Reaffirms* the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

7. *Reaffirms* Economic and Social Council resolution 1996/40 of 26 July 1996 on the economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the occupied Syrian Golan;

8. *Calls upon* Israel:

(a) To comply with its international obligations, respect the rules of international law and apply the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories;

(b) To desist from establishing Israeli settlements in the Palestinian and other occupied Arab territories, and calls for them to be dismantled and confirms that all measures taken by Israel with the purpose of annexing or of altering the demographic, cultural, religious or other character of those territories, including Jerusalem, are illegal, null and void;

(c) To comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981) of 17 December 1981, in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

(d) To desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan and from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties, and calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

9. Affirms that the realization of a comprehensive and just peace in the Middle East requires the complete withdrawal of Israel from all occupied Palestinian territory, including Jerusalem, enabling the Palestinian people to exercise their right to self-determination and to establish their independent State, the complete withdrawal of Israel from the occupied Syrian Golan and the complete and unconditional withdrawal of Israel from southern Lebanon and West Bekaa, in conformity with Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and in accordance with the principle of land for peace;

10. Reiterates its call upon the Palestinian Authority:

(a) To comply strictly with all current international norms in the field of human rights;

(b) To provide greater access to its prisons and interrogators through international organizations;

(c) To continue its cooperation with the advisory services offered by the Centre for Human Rights with a view to fostering human rights institutions;

11. Requests the Secretary-General to provide the Sub-Commission, at its forty-ninth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations

decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

20th meeting
20 August 1996
[Adopted by secret ballot by 15 votes to 4, with 5 abstentions. See chap. VII.]

1996/7. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1995/18 of 24 August 1995, and taking note of Commission on Human Rights resolution 1996/84 of 24 April 1996 and General Assembly resolution 50/188 of 22 December 1995,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, who were able to conduct visits to the Islamic Republic of Iran at the end of 1995 and the beginning of 1996,

Welcoming the report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1996/59), the report of the Special Rapporteur on religious intolerance (E/CN.4/1996/95/Add.2) and the report of the Special Rapporteur on freedom of opinion and expression and the recommendations contained therein (E/CN.4/1996/39/Add.2),

Noting the view of the Special Representative that some subjects need to be further investigated, especially in the field of penal procedure and the penal system,

Gravely concerned at reports of:

(a) Extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman or degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion;

(b) An increase in the wave of political executions in the current year, both by public hanging and by stoning to death;

(c) Repression by the security forces of peaceful demonstrations, resulting in the killing or wounding of many civilians;

(d) Continued repression of women, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment;

(e) An increase in death sentences and inhuman and degrading punishments resulting from the adoption of the new law on punishment;

(f) An increase in the number of murders of members of the opposition abroad in recent months;

(g) Continued harassment of the families in the Islamic Republic of Iran of Iranian exiles and the pressure exercised by the Government's undercover terrorists against Iranians abroad, aimed at compelling them to cooperate in activities against the opposition in exile;

Noting that judicial inquiries in various countries, including Germany, Italy and Turkey, investigate the role and responsibility of Iranian officials and services in the planning of extrajudicial political killings,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. Requests the Government of the Islamic Republic of Iran to investigate fully in order to end the alleged violations of human rights in the Islamic Republic of Iran which include:

(a) Excessive use of the death penalty;

(b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;

(c) Failure to meet international standards with regard to due process and the administration of justice;

(d) Religious discrimination, notably against Baha'is and Christians;

(e) Discrimination against women;

(f) The use of excessive force and firearms in suppressing public demonstrations, as well as the organization of secret patrols;

(g) Harassment and intimidation of people by street patrols;

(h) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;

(i) Extrajudicial murders of political opponents;

2. Expresses deep concern at the continuing allegations of aggression against the Iranian Kurdish refugees and rocket attacks against Iranian opponents' bases on the territory of neighbouring countries;

3. Demands that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism;

4. Also demands that the Government of the Islamic Republic of Iran put an end to the harassment by the secret services of Iranian refugees abroad and their families in Iran;

5. Expresses the hope that the atmosphere for change noted by the Special Representative during his latest visit to the Islamic Republic of Iran will result in marked relevant improvements in the situation of human rights in the country by the time of his next scheduled visit;

6. Urges the Government of the Islamic Republic of Iran to implement fully the conclusions and the recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians, until they are completely emancipated;

7. Also urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, in particular those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

8. Encourages the Government of the Islamic Republic of Iran to pursue its cooperation with the special procedures of the Commission on Human Rights and especially with the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

9. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including violations of the religious freedoms of the Baha'i and the Christian communities in Iran;

10. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-ninth session.

21st meeting
20 August 1996
[Adopted by secret ballot by 12 votes to 6,
with 6 abstentions. See chap. VII.]

1996/8. Racism and racial discrimination

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/2 of 12 August 1994, in which it recommended the convening of a world conference to combat racism and racial discrimination,

Welcoming General Assembly resolution 50/136 of 21 December 1995, in which the General Assembly decided that the international community in general and the United Nations in particular should give the highest priority to programmes for combating racism and racial discrimination and requested the Secretary-General to consult Member States and intergovernmental, as well as non-governmental, organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance,

Noting with grave concern the persistence of contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including new policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed at the increasingly violent forms of racism and racial discrimination in different parts of the world which constitute a grave threat to the building of a social order where all human rights can be realized,

Conscious that there exists a connection between the growing problem of racism and racial discrimination and current global social and economic developments, including the widening gap between rich and poor within and between countries,

Deeply concerned that the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination has remained largely unimplemented,

Convinced that the increasing danger of racism and racial discrimination must be met by a concerted response by the international community commensurate with the threat posed to the realization of the objective of the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Convinced that the convening of a world conference to combat racism and racial discrimination in the near future would send a clear signal of the determination of the world community to deal decisively with the scourge of racism and would be an important opportunity for taking a comprehensive approach and developing action-oriented strategies to combat racism and racial discrimination,

1. Calls upon Member States to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

2. Requests the Secretary-General to take every measure, including those approved by the General Assembly in its resolutions 48/91 of 20 December 1993 and 49/146 of 23 December 1994 and in the programme budget relating to the activities of the Third Decade, to ensure the implementation of the recommendation by the General Assembly to establish a focal point on racism within the Centre for Human Rights for the coordination of the activities under the Third Decade;

3. Expresses its full support for the convening, as soon as possible, of a world conference to combat racism and racial discrimination;

4. Calls upon Member States to respond positively to the proposal to convene a world conference to combat racism and racial discrimination;

5. Invites the Secretary-General to include in his proposals to the General Assembly for supplementing the Programme of Action for the Third Decade a concrete proposal for the convening of a world conference to combat racism and racial discrimination before the turn of the century;

6. Confirms its readiness to contribute actively at every stage of the preparations for a world conference to combat racism and racial discrimination.

27th meeting
23 August 1996
[Adopted without a vote. See chap. VI.]

1996/9. The right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsion and deportation, population transfer, forcible population exchange, unlawful forcible evacuation, eviction and forcible relocation, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders deprive the affected populations of their right to freedom of movement,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, which reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolution 1995/13 of 18 August 1995, in which it decided to continue its consideration of the question of population displacement and to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return,

Recalling further its resolution 1992/28 of 27 August 1992, in which it nominated Special Rapporteurs on the human rights dimensions on population transfer, including the implantation of settlers and settlements, as well as its resolution 1993/34 of 25 August 1993, in which it, inter alia, invited the Commission on Human Rights to request the Secretary-General to organize a multidisciplinary expert seminar prior to the preparation of the final report of the Special Rapporteur, in order to formulate appropriate final conclusions and recommendations, which invitation the Commission endorsed in its decision 1994/102 of 25 February 1994,

Noting with great interest Commission on Human Rights resolution 1996/51 of 19 April 1996 entitled "Human rights and mass exoduses", in which the Commission strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Noting that policies and practices of forcible displacement are one of the major causes of flows of refugees and internally displaced persons,

Concerned that growing numbers of refugees and even larger and growing numbers of internally displaced persons exist worldwide and that restrictive policies of many States lead to difficulties for people in leaving their country in order to seek asylum, as well as to the detention of refugees and asylum-seekers,

1. Affirms the right of persons to remain in peace in their own homes, on their own lands and in their own countries;

2. Also affirms the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice;

3. Urges Governments and other actors involved to do everything possible in order to cease at once all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international law;

4. Urges all States to respect the principle of non-refoulement and to safeguard and give effect to the right of everyone to seek and to enjoy in other countries asylum from persecution;

5. Also urges all States and other actors involved to ensure that no internally displaced person is forcibly returned to an area where his or her life, security and freedom would be in danger;

6. Strongly encourages all Governments and other actors involved, including intergovernmental and humanitarian organizations concerned, to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from forced displacements, and the causes of such displacement;

7. Decides to continue to study the question of the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return;

8. Reiterates its request to the Secretary-General that, to this end, he convene the expert seminar on population transfer, in close cooperation with relevant intergovernmental and non-governmental organizations, in time for its conclusions to be of use for the final report of the Special Rapporteur, due to be submitted to the Sub-Commission at its forty-ninth session, and strongly requests the Special Rapporteur to submit his final report in any case to the Sub-Commission at its forty-ninth session.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XIX.]

1996/10. Migrant workers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Affirming that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and members of their families,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers, *Recalling* General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that in the Vienna Declaration and Programme of Action (A/CONF.157/23) all States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Welcoming regional efforts aimed at promoting international cooperation in this field, and in particular the Regional Conference on Migration held in Puebla, Mexico, in March 1996 and the Mediterranean Conference on Population, Migration and Development to be held in Palma de Mallorca, Spain, in October 1996,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. *Invites* all Member States to sign and ratify or accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. *Urges* countries of employment to review and adopt appropriate measures to prevent the use of force against migrant workers and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of all migrant workers, including women migrant workers, and their families, *inter alia* through the organization of training courses on human rights;

4. *Urges* States to take the necessary measures to sanction employers for the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;

5. *Expresses its support* for Commission on Human Rights resolution 1996/18 of 11 April 1996, in which the Commission requested the United Nations High Commissioner for Human Rights to cooperate with regional and international organizations concerned with the protection of the rights of all migrant workers and members of their families;

6. *Decides*, in view of the scope and seriousness of the problem, to devote close attention to the question of the protection of migrant workers and members of their families at its next session.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XIX.]

1996/11. Systematic rape and sexual slavery during periods of armed conflict

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1995/14 of 18 August 1995, in which the Sub-Commission decided to appoint Ms. Linda Chavez as Special Rapporteur to undertake an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forth-eighth session and a final report at its forty-ninth session,

Noting Commission on Human Rights decision 1996/107 of 19 April 1996, in which the Commission endorsed the decision of the Sub-Commission to appoint Ms. Chavez as Special Rapporteur,

Noting also Economic and Social Council decision 1996/291 of 24 July 1996, in which the Council approved the Commission's endorsement of the decision to appoint Ms. Chavez as Special Rapporteur,

Taking note of the report by the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences (E/CN.4/1996/53 and Add.1 and 2),

Aware of the serious human rights violations against women occurring in countries such as the former Yugoslavia and Rwanda, as reported by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1996/63) and the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1996/68),

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Slavery Convention of 1926, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other relevant human rights instruments, as well as the Geneva Conventions of 12 August 1949 and Additional Protocols I and II thereto of 1977,

1. *Welcomes* the preliminary report of Ms. Linda Chavez, Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of conflict, including internal armed conflict (E/CN.4/Sub.2/1996/26), summarizing the purpose and scope of the study, the history of systematic rape as an instrument of policy, relevant international norms, issues of responsibility and liability, forums with jurisdiction to try perpetrators, possible sanctions against violators and possible forms of reparation;

2. Requests the Special Rapporteur to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38);

3. Decides to consider the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict at its forty-ninth session under the agenda item on contemporary forms of slavery.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XVI.]

1996/12. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-first session (E/CN.4/Sub.2/1996/24 and Corr.1) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to child and bonded labour, sexual exploitation, in particular of children, the traffic in persons, illegal and pseudo-adoptions, the alleged practice of removal of organs, migrant and domestic workers and sexual slavery during wartime,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

I. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

2. Welcomes once again the convening of the World Congress against Commercial Sexual Exploitation of Children in Stockholm from 27 to 31 August 1996;

3. Welcomes the approval by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

4. Requests the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

5. _Recommends_ that Governments prohibit the advertising or publicizing of sex tourism and that they do not facilitate other commercial activities involving sexual exploitation;

6. _Encourages_ Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with HIV and the spread of AIDS;

7. _Recommends_ that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

8. _Invites_ the Secretary-General, in cooperation with the International Telecommunication Union, to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, _inter alia_, child pornography and sex tourism;

9. _Recommends_ that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

II. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. _Special Rapporteur on the sale of children, child prostitution and child pornography_

10. _Takes note_ of the information on these problems submitted by the Special Rapporteur in her report to the Commission on Human Rights (E/CN.4/1996/100);

11. _Also takes note_ of the information on these problems submitted by the participants at the twenty-first session of the Working Group and requests the Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

12. _Requests_ the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

13. _Invites_ the Special Rapporteur to participate in the twenty-second session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

14. Encourages the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft optional protocol, and calls upon the Working Group to outline a framework for international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

15. Requests the Secretary-General to invite all States to inform the working group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to submit a report thereon to the Sub-Commission at its forty-ninth session and to the Commission at its fifty-fourth session;

16. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Traffic in human organs and tissues

17. Welcomes the adoption of Commission on Human Rights resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide on possible follow-up in this matter;

18. Encourages the World Health Organization to continue to pay special attention to this issue, and welcomes the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation;

19. Decides to continue to examine this matter at its forty-ninth session;

III. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

20. Decides to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour;

21. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

22. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Convention concerning the Minimum Age for Admission to Employment, 1973 (No. 138);

23. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour;

IV. ERADICATION OF BONDED LABOUR

24. Takes note with satisfaction of the promulgation of laws against bonded labour, and appeals to Governments to adopt all the necessary measures to implement and follow up the implementation of such laws;

25. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour, and notes with appreciation the information submitted by the United Nations Development Programme in that regard;

26. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

27. Decides to keep this question under consideration and to assess the progress achieved, with a view to eliminating this intolerable practice;

V. FORCED LABOUR

28. Reaffirms that forced labour is a contemporary form of slavery and expresses its concern at allegations that this practice has not yet been eliminated;

29. Decides to continue to give consideration to this issue at its next session;

VI. MIGRANT WORKERS

30. Notes with great concern that foreign migrant workers are frequently subject to discriminatory rules and regulations which undermine human dignity, including being forced to live separately from their spouse and their minor children, sometimes for extended periods, and are often victims of violence, racism and xenophobia;

31. Urges States to take the necessary measures to sanction employers for the confiscation of passports belonging to migrant workers, in particular migrant domestic workers;

32. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

33. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

34. Recommends that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ILLEGAL AND PSEUDO-ADOPTIONS

35. Takes note of the information concerning cases of children adopted for commercial purposes and other forms of traffic;

36. Urges States to take adequate steps to regulate and monitor intercountry adoptions better, including by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;

37. Decides to continue to give consideration to this issue at its next session;

VIII. VIOLENCE AGAINST WOMEN

38. Welcomes the work of the Special Rapporteur of the Commission on Human Rights on violence against women, and takes note of her report (E/CN.4/1996/53 and Add.1 and 2);

39. Welcomes the useful information provided by the Government of Japan regarding its action in relation to the issue of women sex slaves during the Second World War;

40. Considers that the prompt establishment of a Japanese administrative tribunal to deal with persons who suffered maltreatment, in particular subjection to treatment akin to slavery, would effectively settle such grievances;

41. Recalls the recommendations adopted at its nineteenth session (E/CN.4/Sub.2/1994/33, chap. VI), in particular recommendation 13, paragraphs 1 to 4, and draws the attention of the parties concerned to the possibility of making agreements on voluntary submission to a settlement mechanism;

42. Invites the Government of Japan to cooperate with the United Nations and the specialized agencies in this matter;

43. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteurs on the question of impunity of perpetrators of violations of human rights;

44. Invites the Special Rapporteur on violence against women to participate in the twenty-second session of the Working Group;

IX. MISCELLANEOUS

45. Decides to continue to consider the issue of incest at its next session and to consider ways to combat incest and sexual abuse of children inside the family, and emphasizes the urgent need for adequate help to be offered to victims of such practices;

46. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice;

47. Urges Member States to take adequate steps to punish suitably the perpetrators of this most heinous offence;

48. Decides to continue to give particular attention to the question of domestic workers, in particular the situation of girl children, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

49. Notes the difficult situation in which girl children are living and the need for them to be provided with protection with a view to ensuring their fullest human development and participation in the life of their community;

50. Decides to continue its consideration of the questions of early marriage and detained juveniles at its next session;

51. Welcomes Commission on Human Rights decision 1996/107 of 19 April 1996, in which the Commission endorsed the decision of the Sub-Commission to appoint Mrs. Linda Chavez as Special Rapporteur to undertake an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, and requests the Secretary-General to transmit the study to the Working Group at its next session;

52. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations for the future action of the Working Group with a view to its considering their replies at its forthcoming sessions;

53. Appeals to all Governments to send representatives to the meetings of the Working Group;

54. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

55. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their guidelines an item concerning contemporary forms of slavery;

56. Welcomes the written contribution made by the Committee on the Rights of the Child to the Working Group;

57. Draws the attention of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm in August 1996, to the work of the Working Group, in particular issues involving children, and requests the Secretary-General to forward to the Congress all relevant documentation of the Working Group;

58. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

59. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

60. Welcomes the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

61. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery and to report on the measures taken for that purpose to the Commission on Human Rights at its fifty-third session and to the Working Group at its twenty-second session;

62. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

63. Decides, in arranging its agenda, to make provision for adequate discussion of the Working Group's report near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XVI.]

1996/13. Thirtieth anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and twentieth anniversary of their entry into force

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Universal Declaration of Human Rights of 10 December 1948,

Bearing in mind the principle of the universality of human rights reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights at Vienna on 25 June 1993,

Guided by General Assembly resolution 46/81 of 16 December 1991,

Conscious of the valuable contributions made by the many people who have constantly collaborated in the work of the United Nations by proposing, adopting and applying the International Covenants on Human Rights,

Recalling that 134 States have to date ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Taking note of the fact that 50 States are still not parties to these two international instruments,

Concerned by the persistent violations of civil and political rights and of economic, social and cultural rights throughout the world,

1. Deeply regrets that the thirtieth anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the twentieth anniversary of their entry into force have not been celebrated;

2. Requests the Secretary-General to emphasize, on the occasion of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights in 1998, and through the activities planned, the decisive role played by the International Covenants in affirming the principle of the universality of human rights;

3. Urges all States to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to accede to the related Optional Protocols at the earliest moment;

4. Calls for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to enable the Committee on Economic, Social and Cultural Rights to consider communications from individuals;

5. Commends the work carried out by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights in monitoring the implementation of the International Covenants;

6. Appeals to all States to strengthen the effective application of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XVII.]

1996/14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the end of the cold war, the easing of international tension and the strengthening of trust between States,

Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

Stressing the need for systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

Bearing in mind that cessation of all nuclear weapons testing within the framework of an effective nuclear disarmament process is in the interest of mankind, Convinced that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament through the total elimination of nuclear weapons within a time-bound framework, and against the proliferation of nuclear weapons in all its aspects,

Convinced also that the implementation of such measures would contribute to the enhancement of international peace and security and the protection of human rights, above all the right to life,

Recalling the Advisory Opinion of the International Court of Justice of 8 July 1996 on the legality of the threat or use of nuclear weapons,

1. Affirms that weapons of mass destruction and in particular nuclear weapons should have no role to play in international relations and thus should be eliminated;

2. Recommends that the relevant international forums, in particular the Conference on Disarmament, should immediately start negotiations on nuclear disarmament to reduce nuclear weapons globally within a phased programme, with the ultimate goal of eliminating those weapons, thus contributing to the enhancement of international peace and security and the protection of human rights and fundamental freedoms and above all the right to life.

27th meeting
23 August 1996
[Adopted without a vote. See chap. XIV.]

1996/15. Injurious effects of anti-personnel land-mines

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account that anti-personnel land-mines are a major instrument of grave violations of human rights, in particular the right to life,

Recalling its resolution 1995/24 of 24 August 1995 in which it declared itself in favour of a total ban on the production, marketing and use of anti-personnel land-mines,

Stressing the urgency for the Sub-Commission to follow up this issue in order to guarantee the full respect and the implementation of all relevant conventions, protocols and resolutions,

Welcoming the initiative of the Organization of American States, which in June 1996 called for the establishment of an anti-personnel mine-free zone in the Americas, *Taking note with satisfaction* that the Council of Ministers of the Organization of African Unity, in February 1996, urged subregional organizations on the continent to undertake initiatives for the prohibition of anti-personnel land-mines in support of the commitment of the Organization of African Unity to a total ban on land-mines,

Taking note with satisfaction also of the appeal launched by the European Parliament on 13 May 1996 to all member States to ban unilaterally the production of anti-personnel land-mines and to destroy existing stocks,

Welcoming the initiative of the Government of Canada to host an international conference in Ottawa in the autumn of 1996, bringing together the more than 40 States which support a global ban on anti-personnel land-mines to consider short- and medium-term measures to achieve this end,

Regretting the result of the Review Conference of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects held in Geneva in May 1996 as regards the distinction made between "intelligent" and "dumb" mines and the nine-year period given to States to start producing only supposedly "intelligent" mines,

Gravely concerned at the constant violation of the rights to life and to security of person, particularly of vulnerable groups of civilians such as peasants, indigenous peoples and children, caused by the use of anti-personnel land-mines,

Bearing in mind that land-mines cause death, maiming and psychological damage and have economic and environmental effects,

Expressing the hope that United Nations action in favour of mine clearance will in the near future result in the total and final elimination of the scourge of unexploded land-mines,

Regretting that funds are lacking to improve mine-clearance techniques and step up rehabilitation programmes for the victims of anti-personnel land-mines,

1. *Reaffirms* its support for a total ban on the production, marketing and use of anti-personnel land-mines, as a means to protect the right to life;

2. *Urges* States that have not yet done so to sign and ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects and the Protocols thereto;

3. *Urges* all States to modify, where necessary, their legislation in order to prohibit the production, marketing and use of anti-personnel land-mines in and from their territories;

4. Considers that the date for the next Review Conference, scheduled for 2001, to be too far away in view of the existing situation with respect to this matter, which requires an urgent solution;

5. Reiterates its request to Governments and the international community to pursue a policy of information, prevention, rehabilitation and reintegration for the victims of anti-personnel land-mines, particularly children, and to take the economic and social measures considered necessary for that purpose;

6. Again encourages Governments, organizations and individuals that can do so to respond favourably to the request for voluntary contributions to the United Nations mine-clearance programme, if possible on a regular basis;

7. Requests the Secretary-General to transmit to all Governments the Sub-Commission's appeal for voluntary contributions to the mine-clearance programme and to the Voluntary Trust Fund for Assistance in Mine Clearance established in November 1994;

8. Decides to consider this question at its forty-ninth session under the same agenda item in order to ensure the necessary follow-up within the framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

27th meeting
23 August 1993
[Adopted without a vote. See chap. XIV.]

1996/16. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988 reaffirming that all people have an inherent right to life,

Concerned at the alleged use of weapons of mass or indiscriminate destruction both against members of the armed forces and against civilian populations, resulting in death, misery and disability,

Concerned also at repeated reports on the long-term consequences of the use of such weapons upon human life and health and upon the environment, _Concerned further_ that the physical effects on the environment, the debris from the use of such weapons, either alone or in combination, and abandoned contaminated equipment constitute a serious danger to life,

Convinced that the production, sale and use of such weapons are incompatible with international human rights and humanitarian law,

Believing that continued efforts must be undertaken to sensitize public opinion to the inhuman and indiscriminate effects of such weapons and to the need for their complete elimination,

Convinced that the production, sale and use of such weapons are incompatible with the promotion and maintenance of international peace and security,

1. _Urges_ all States to be guided in their national policies by the need to curb the production and the spread of weapons of mass destruction or with indiscriminate effect, in particular nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium;

2. _Requests_ the Secretary-General:

(a) To collect information from Governments, the competent United Nations bodies and agencies and non-governmental organizations on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium, on their consequential and cumulative effects, and on the danger they represent to life, physical security and other human rights;

(b) To submit a report on the information gathered to the Sub-Commission at its forty-ninth session, together with any recommendations and views which he may have received on effective ways and means of eliminating such weapons;

3. _Decides_ to give further consideration to this matter at its forty-ninth session, on the basis of any additional information which may be contained in reports of the Secretary-General to the Sub-Commission or to other United Nations bodies, or which may be submitted to the Sub-Commission by Governments or non-governmental organizations.

34th meeting
29 August 1996
[Adopted by 15 votes to 1, with
8 abstentions. See chap. XIV.]

1996/17. Prevention of discrimination and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, *inter alia*, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities and to examine peaceful and constructive solutions to situations involving minorities,

Noting that the Working Group on Minorities held its first session from 28 August to 1 September 1995 and its second session from 30 April to 3 May 1996,

Having considered the reports of the first and second sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28) and, in particular, the recommendations contained in chapters VII and VIII thereof, respectively,

Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered by one or more of the parties to the conflict,

Mindful of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and convinced that the implementation of its principles, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and article 27 of the International Covenant on Civil and Political Rights, as well as all other relevant international instruments, provides the best guidance for resolving peacefully minority disputes or conflicts,

Aware of the contributions made by the United Nations High Commissioner for Human Rights towards the implementation of the principles contained in the Declaration and of his continuing dialogue with Governments and minorities concerned,

Underlining the significant contributions to the protection of minorities made by the relevant treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child,

Acknowledging the positive initiatives and measures undertaken by many States, specialized agencies, intergovernmental regional organizations and non-governmental organizations to protect minorities and promote mutual understanding and tolerance, Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Underlining the interrelationship between all articles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including articles 1 and 8,

Recognizing the positive participation of all concerned in the Working Group and the developments towards constructive dialogue among minorities and between minorities and Governments,

Noting with interest that the Working Group on the Right to Development has identified continued discrimination against, inter alia, minorities with respect to their right of access to health care, education, work, property and other economic, social and cultural rights as a major obstacle to the realization of the right to development,

Endorsing relevant initiatives for the involvement of minorities in the field of development in accordance with the relevant principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and of the Declaration on the Right to Development,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Underlining the importance of close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Expresses its deep appreciation to the Working Group on Minorities and, in particular, to its Chairman-Rapporteur, Mr. Asbjørn Eide;

2. Welcomes the substantive information submitted to the Working Group on Minorities at its first and second sessions and the constructive dialogue between minorities and Governments;

3. Endorses the recommendations made in the reports of the two sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2, chap. VII and E/CN.4/Sub.2/1996/28, chap. VIII);

4. Decides to submit the reports of the first and second sessions of the Working Group on Minorities to the Commission on Human Rights for consideration;

5. Urges the Working Group on Minorities to continue to act as the main forum for consideration and possible resolution of problems between minorities and Governments, as well as among minorities themselves, drawing on the expertise of scholars, among others, including those present at its sessions;

6. _Invites_ the Working Group to elaborate and submit to the Sub-Commission and through it to the Commission on Human Rights criteria concerning the content and scope of the rights contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

7. _Also invites_ the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights with a view to strengthening his preventive activities and enhancing his responses to minority situations warranting urgent action;

8. _Welcomes_ the recommendation contained in paragraph 208 of the report on its second session (E/CN.4/Sub.2/1996/28) in particular and invites the Working Group to pursue its efforts to organize seminars, without financial implications for the United Nations, on the themes listed therein;

9. _Requests_ the United Nations High Commissioner for Human Rights to pursue, in accordance with his mandate, the implementation of his programme for the promotion and protection of the rights of persons belonging to minorities;

10. _Recommends_ that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child pay particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child when considering States parties' reports, and that they include in their guidelines an item concerning minorities;

11. _Recommends also_ that the treaty bodies, special rapporteurs and special representatives and the competent working groups continue to pay due regard, within their mandates, to the principles contained and the situations of the persons referred to in the Declaration;

12. _Requests_ the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to continue to submit information on the application thereof, in compliance with article 9 of the Declaration, to the Working Group on Minorities;

13. _Appeals_ to all Governments, competent United Nations bodies, intergovernmental organizations, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

14. _Encourages_ States to facilitate dialogue and cooperation between and among minorities and majorities, and to provide information to the Working Group on mechanisms established for that purpose;

15. _Recommends_ that the Centre for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

16. _Also recommends_ that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group for a further two years with a view to its holding one session annually until 1999;

17. _Recommends_ the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 1.]

34th meeting
29 August 1996
[Adopted without a vote. See chap. XVIII.]

1996/18. _United Nations Voluntary Trust Fund on Contemporary Forms of Slavery_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Concerned at the insufficiency of contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which prevents it from carrying out the activities assigned to it,

Noting with anxiety that the remoteness of the members of the Board of Trustees of the Trust Fund, in different parts of the world, with no means of communication placed at their disposal, is affecting the search for appropriate solutions,

Considering the close relationship between the mandate of the Trust Fund and that of the Working Group on Contemporary Forms of Slavery,

1. _Requests_ the Secretary-General to make available to the Working Group on Contemporary Forms of Slavery the report which he is to prepare pursuant to paragraph 17 of Commission on Human Rights resolution 1996/61 of 23 April 1996;

2. _Suggests_ that the Secretary-General consider entrusting the mandate of the Board of Trustees of the United Nations Trust Fund on Contemporary Forms of Slavery to the Working Group on Contemporary Forms of Slavery, having regard to the difficulties described above and with a view to greater efficiency and a reduction in operating expenses;

3. _Urges_ all Governments, governmental and non-governmental organizations, private institutions and private individuals to respond favourably to requests for contributions to the Fund;

4. Invites a representative of the Fund to participate in the Working Group at its twenty-second session.

34th meeting
29 August 1996
[Adopted without a vote. See chap. XVI.]

1996/19. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1995/20 of 24 August 1995 and 1983/1 of 23 August 1983,

Emphasizing that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), stressed the importance of working towards the eradication of any conflicts which might arise between the rights of women and the harmful effects of certain traditional or customary practices,

Bearing in mind that, in the Beijing Declaration and Platform for Action (A/CONF.177/20), the Fourth World Conference on Women called upon Governments to condemn violence against women and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination,

Recognizing the serious consequences of traditional or customary practices affecting the health of women and children,

1. Welcomes with appreciation the analytical final report of the Special Rapporteur, Ms. Halima Embarek Warzazi (E/CN.4/Sub.2/1996/6);

2. Reaffirms that traditional practices affecting the health of women and children constitute a definite form of violence against women and a serious violation of the human rights of women;

3. Regrets the lack of information from Governments on the implementation of the comprehensive Plan of Action for the Elimination of Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) in order to put an end to these prejudicial practices;

4. Stresses, consequently, the importance of continuing to monitor measures taken by Governments towards the elimination of traditional practices affecting the health of women and children through, in particular, the implementation of the Plan of Action;

5. Decides to extend the mandate of the Special Rapporteur for a further two years in order to follow up and monitor such developments and to report to the Sub-Commission at its forty-ninth and fiftieth sessions;

6. Calls upon the Centre for Human Rights to provide the Special Rapporteur with all the necessary resources to enable her to carry out her mandate effectively;

7. Requests the Secretary-General to transmit the final report of the Special Rapporteur to the Commission on Human Rights for examination;

8. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 2.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. V.]

1996/20. Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 50/186 of 22 December 1995, Commission on Human Rights resolution 1995/43 of 3 March 1995 and its own resolution 1994/18 of 25 August 1994,

Bearing in mind the relevant discussions that took place in the Sub-Commission during its forty-seventh and forty-eighth sessions,

Reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified for any reason,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and

manifestations, wherever and by whomever committed, as acts of aggression aimed at the annihilation of human rights, fundamental freedoms and democracy, threatening territorial integrity and international peace and security, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon Governments to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism, and urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

3. Decides, to entrust Mrs. Kalliopi K. Koufa with the task of preparing, in accordance with guideline No. 2 contained in the annex to Sub-Commission resolution 1992/8 of 26 August 1992 on its methods of work, without financial implications, a working paper on the question of terrorism and human rights, to be considered at its forty-ninth session.

35th meeting
29 August 1996
[Adopted without a vote. See chap. V.]

1996/21. Implementation of the human rights of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1994/43 of 26 August 1994 and 1992/4 of 14 August 1992,

Recalling in particular that in its resolution 1995/26 of 24 August 1995 the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the United Nations, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms for all without discrimination based, inter alia, on gender,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which states that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the human rights of women should form an integral part of the United Nations human rights activities,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Recalling the Programme of Action (A/CONF.171/13) adopted at the International Conference on Population and Development, held at Cairo from 5 to 13 September 1994, (see A/CONF.171/13), in which the rights of women received strong support and clarification, being understood as an essential element in all policies concerned with health and population programmes, and which called upon all countries to take full measures to eliminate all forms of exploitation, abuse, harassment and violence against women,

Recalling also the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development (A/CONF.166/9), held in Copenhagen from 6 to 12 March 1995, in which the goal of achieving equality and equity between women and men was identified as a key element in all steps taken towards enhancing social development and ensuring human well-being,

Welcoming the call in the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women, held from 4 to 15 September 1995, for intensified efforts to integrate the equal status and the human rights of all women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms, and for related actions to be taken by, *inter alia*, the human rights treaty monitoring bodies,

Reiterating the importance of steps aimed at preventing and eliminating all forms of discrimination against women and girls, and particularly steps focusing on the need to eradicate all forms of violence against women and girls,

Emphasizing the need for full implementation by Governments and community organizations, non-governmental organizations, educational institutions, and the public and private sectors, as appropriate, of the measures set out in the Beijing Declaration and Platform for Action,

Recalling General Assembly resolution 48/104 of 20 December 1993, proclaiming the Declaration on the Elimination of Violence against Women, in which the Assembly recognized that violence against women violated and impaired or nullified the enjoyment by women of human rights and fundamental freedoms,

Recognizing the importance of the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Noting the importance for women of the full implementation of all the human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women,

Welcoming Commission on Human Rights resolutions 1993/46 of 8 March 1993, 1994/45 of 4 March 1994, 1995/86 of 8 March 1995 and 1996/48 of 19 April 1996 regarding the integration of the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity,

Welcoming also the work of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and its consequences, Ms. Radhika Coomaraswamy, and noting her report (E/CN.4/1996/53 and Add.1 and 2),

Welcoming the report of the Secretary-General on the extent to which violations of women's human rights have been addressed by human rights mechanisms (E/CN.4/1996/9),

Recognizing the continued importance of a focal point for the human rights of women within the Centre for Human Rights,

Welcoming the appointment of an adviser to the United Nations Secretary-General on gender issues to help ensure system-wide implementation of the Platform for Action,

Welcoming also the final report of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi, on harmful traditional practices affecting the health of women and children (E/CN.4/Sub.2/1996/6) and the preliminary report prepared by Ms. Linda Chavez on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal armed conflict (E/CN.4/Sub.2/1996/26),

Convinced of the need to eliminate all forms of sexual violence and sexual exploitation, including trafficking for the purposes of prostitution, other forms of commercial sex, domestic labour and servile forms of marriage, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Concerned by the continuing reports of grave abuses and acts of violence committed against women migrant workers,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

Convinced that global development cannot be achieved without the full participation of women, Noting with deep concern that the economic and financial crises in many countries have severely affected the socio-economic status of women, especially in rural areas, and the continuing rise in the number of rural women living in poverty,

Recognizing, however, that some progress has been made to advance women's human rights, but that much more effort is needed to mainstream women's human rights throughout the United Nations system, including the war crimes tribunals,

1. Requests that, where appropriate, studies submitted at its forty-ninth session include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations;

2. Appeals to all Governments that have not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women without resort to reservations;

3. Expresses the hope that the Committee on the Elimination of Discrimination against Women will be integrated as soon as possible with the other human rights treaty monitoring mechanisms;

4. Requests the Secretary-General to ensure that United Nations human rights and humanitarian relief personnel receive training to enable them adequately to recognize and address human rights violations directed at women and to carry out their work without gender bias;

5. Requests the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination, to seek to ensure the reinforcement and further development of the integration of the human rights of women into the mainstream of United Nations system-wide activity, following the framework set out at the Fourth World Conference on Women;

6. Decides to consider more fully the implications of the Beijing Platform for Action for the work of the Sub-Commission in such areas as women and poverty, the role of women in global development and the promotion of human rights, as well as additional measures to combat violence against women, including trafficking, at its forty-ninth session under the same agenda item;

7. Urges Member States, in order to prevent and eliminate all forms of violence against women and girls, to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, taking into special consideration women who are at high risk of violence, such as women migrant workers, refugee women and women in conflict situations;

8. _Encourages_ Member States to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

9. _Fully supports_ the amendments adopted by the Committee on the Elimination of Discrimination against Women to the guidelines for the preparation of the periodic reports submitted to the Committee seeking that States parties report on reservations to the Convention and include in their reports information on measures taken to implement the Beijing Platform for Action, in order to facilitate the work of the Committee;

10. _Calls upon_ the Secretary-General to take the necessary steps to establish the post of focal point on women in the Centre for Human Rights and to ensure that women's human rights are effectively supported at all levels in the United Nations system, in cooperation with the Division for the Advancement of Women;

11. _Calls upon_ the Secretary-General to fulfil his target, reaffirmed by the Fourth World Conference on Women, of having women hold 50 per cent of managerial and decision-making positions by the year 2000;

12. _Requests_ Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of equality of women and men and to contribute to the elimination of all forms of discrimination against women;

13. _Supports_ the decision of the Commission on the Status of Women, at its fortieth session, to renew the open-ended working group established to develop an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

14. _Decides_ to give full attention to these issues at its forty-ninth session under the same agenda item.

35th meeting
29 August 1996
[Adopted without a vote. See chap. XII.]

1996/22. _Tenth anniversary of the adoption of the Declaration on the Right to Development_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian nature, *Recalling* the Declaration on the Right to Development, adopted by the General Assembly at its forty-first session, which states clearly that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development and that while all States should contribute, through international cooperation, to promote the economic, social and cultural rights of all peoples, States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development,

Deeply concerned that the number of people living in poverty worldwide has grown to an alarming one and a half billion, over 90 per cent of whom eke out a miserable life in the developing countries,

Welcoming the timely decision of the General Assembly to proclaim the United Nations Decade for the Eradication of Poverty (1997-2006),

Noting with great appreciation Commission on Human Rights resolution 1996/15 of 11 April 1996 entitled "The right to development" and the work accomplished so far by the Working Group on the Right to Development,

Noting that the international cooperation conducive to development advocated in the Declaration on the Right to Development has not made much headway 10 years after the adoption of the Declaration,

Having considered at its forty-eighth session questions relating to the realization of the right to development under agenda item 8,

1. *Reaffirms* that progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

2. *Urges* all States Members of the United Nations to strengthen international cooperation for promoting the realization of the right to development as emphasized by the General Assembly in the Declaration on the Right to Development and reaffirmed by the World Conference on Human Rights;

3. *Decides* to continue consideration of questions relating to the realization of the right to development as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", so as to enable the members of the Sub-Commission to contribute to the consideration by the Commission on Human Rights of the promotion of the realization of the right to development;

4. *Requests* the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requests him to transmit annually to the Sub-Commission the information received;

5. Decides to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the United Nations Decade for the Eradication of Poverty (1997-2006).

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/23. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1992/11 of 21 February 1992, 1993/13 of 26 February 1993, 1994/12 of 25 February 1994 and 1995/16 of 24 February 1995 and its own resolution 1992/27 of 27 August 1992, establishing the mandate for the study on human rights and extreme poverty which the Special Rapporteur was to prepare in consultation with persons living in extreme poverty and persons working alongside them,

Taking note of Commission on Human Rights resolution 1996/10 of 11 April 1996, in which the Special Rapporteur was invited to include follow-up measures in the recommendations he would submit in his final report,

Recalling its resolution 1995/28 of 24 August 1995, in which it requested the Special Rapporteur to submit his final report to it at its forty-eighth session,

Welcoming with interest the final report by Mr. Leandro Despouy on human rights and extreme poverty (E/CN.4/Sub.2/1996/13),

1. Expresses its deep satisfaction to the Special Rapporteur for having prepared his study in consultation with persons living in extreme poverty, thereby focusing attention on the links between human rights and extreme poverty and shedding new light on the indivisibility and interdependence of human rights;

2. Welcomes the recommendations contained in the final report on human rights and extreme poverty and, in particular, the recommendation requesting the United Nations High Commissioner for Human Rights to ensure follow-up, with the possible assistance of experts, while continuing to give priority to the participation of persons living in extreme poverty and the non-governmental organizations which represent them;

3. Requests the Commission on Human Rights to endorse the conclusions and recommendations contained in the report;

4. Expresses the wish that the final report of the Special Rapporteur be published by the United Nations in all official languages;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 3.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/24. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of ensuring impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to carry out a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolution 1993/37 of 26 August 1993 and its resolution 1994/34 of 26 August 1994, in which it decided, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the completion of the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights, as well as its resolution 1995/34 of 24 August 1995,

Bearing in mind section II, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the practice of ensuring impunity for perpetrators of serious violations of human rights,

1. Welcomes with satisfaction the second interim report on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1996/15);

2. _Requests_ the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session;

3. _Requests_ the Secretary-General to provide the Special Rapporteur with any assistance required to enable him to discharge his task;

4. _Invites_ Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

5. _Decides_ to consider the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) at its forty-ninth session under the agenda item entitled "The realization of economic, social and cultural rights".

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/25. _The realization of economic, social and cultural rights_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned that more than 800 million people throughout the world, particularly in developing countries, do not have enough food to meet their basic nutritional needs,

Having examined, at its forty-eighth session, the situation with respect to the existence and causes of the extreme poverty prevailing in many parts of the globe at a time when the economic environment is changing rapidly and the impact of extreme poverty on the realization of economic, social and cultural rights, including the right to an adequate standard of living, adequate food and health,

Appeals to the world's leaders, through the Commission on Human Rights, when they assemble in Rome for the World Food Summit later this year:

(a) To reaffirm the fundamental right of every man, woman and child to be free from hunger, as this right is firmly established in international human rights law;

(b) To propose ways in which the right to food can be further clarified and implemented;

(c) To ensure that due advantage is taken of the past and present work of the Commission on Human Rights and the Sub-Commission, as well as of the United Nations treaty bodies monitoring the relevant international human rights legal instruments, in particular the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the

Child, regarding the right to adequate food and other rights relevant to the satisfaction of the nutritional needs of the human being for survival, development, productivity and well-being.

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/26. Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Recalling the Declaration on the Right to Development adopted by the General Assembly in the annex to its resolution 41/128 of 4 December 1986,

Recalling section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking particular account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, especially the recommendations of its Programme of Action (A/CONF.166/9), concerning the United Nations system, inter alia, the need to strengthen United Nations operational activities for development in order to implement the World Summit outcome, and the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, particularly by developing countries (para. 99 (e)),

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced of the fundamental role of education in ensuring the exercise of human rights and providing equality of opportunity for all,

Recalling the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur, Mr. Danilo Türk, in particular his final report, which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1992/16, paras. 76-84), Taking account of Mr. Asbjørn Eide's preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1994/21), the reports submitted by the Special Rapporteur on human rights and extreme poverty, Mr. Leandro Despouy (E/CN.4/Sub.2/1993/16, E/CN.4/Sub.2/1994/19, E/CN.4/Sub.2/1995/15 and E/CN.4/Sub.2/1996/13), and the report of the seminar on extreme poverty and the denial of human rights, held in New York (E/CN.4/1995/101),

Recalling its resolution 1994/40 of 26 August 1994 in which it entrusted the Special Rapporteur, Mr. José Bengoa, with the preparation of a study on the enjoyment of human rights and income distribution, Commission on Human Rights decision 1995/105 of 24 February 1995 approving the mandate of the Special Rapporteur and Economic and Social Council decision 1995/295 of 24 July 1995 endorsing that decision,

Concerned that the implementation of economic, social and cultural rights, in general, and of the right to education, in particular, has not yet received sufficient attention within the United Nations human rights framework,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Affirming the inherent link between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between States,

Acknowledging that income disparity leads to the unfair treatment of, in particular, children, women and other vulnerable groups of society, who are discriminated against and denied the right to the same opportunities as the rest of the population,

Bearing in mind that it is necessary to analyse and overcome the obstacles that prevent societies from achieving greater equality of opportunity and better income distribution,

Considering that better income distribution would lead to more integrated and mutually supportive societies and, at the international level, to better conditions for maintaining world peace,

1. Welcomes the provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur, Mr. José Bengoa, (E/CN.4/Sub.2/1996/14);

2. Endorses the conclusion, initially established in Mr. Asbjørn Eide's preparatory document and repeated in Mr. Bengoa's preliminary report (E/CN.4/Sub.2/1995/14) that the concentration of wealth constitutes a serious

obstacle to the realization of human rights, be they economic, social, cultural, civil or political, and that equality of opportunity is an essential element for participating effectively in the development process and for obtaining a share of the benefits deriving from it;

3. *Reiterates* its agreement with the work plan presented in the preliminary report, especially the suggestion that the outcome of the Copenhagen Summit for Social Development should be taken into account and followed up and encouragement given to the discussions needed for the most effective and rapid achievement of its objectives;

4. *Requests* the Special Rapporteur to pay particular attention to the impact of the enjoyment of human rights and, in particular, of the right to education, on income distribution;

5. *Also requests* the Special Rapporteur to take special care to analyse the indicators needed to monitor the gradual full satisfaction of economic, social and cultural rights;

6. *Requests* the Secretary-General to organize a seminar of experts to develop appropriate indicators, as provided for in the Programme of Action of the World Summit for Social Development (A/CONF.166/9, para. 36 (n)), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a) to (m) of the Programme of Action;

7. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report and urges them to participate actively in the work of the Sub-Commission;

8. *Also requests* the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study;

9. *Requests* the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session;

10. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 4.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/27. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/12 of 26 August 1991, 1992/14 of 27 August 1992, 1993/41 of 26 August 1993, 1994/39 of 26 August 1994 and 1995/29 of 24 August 1995,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993 and the analytical report on forced evictions (E/CN.4/1994/20) prepared by the Secretary-General and submitted to the Commission at its fiftieth session,

Taking note of Economic and Social Council decision 1996/290 of 24 July 1996 on forced evictions, in which the Council authorized the holding of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity, which includes the right not to be evicted from one's home, land or community,

Recognizing that the often violent practice of forced eviction involves the coerced and involuntary removal of persons, families and groups from their homes, lands and communities, whether or not deemed legal under prevailing systems of law, resulting in greater homelessness and inadequate housing and living conditions,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors, all of which possess legal obligations to refrain from such practices,

Aware also that discriminatory motivations are the actual basis of a large number of forced evictions,

Emphasizing that ultimate legal and political responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, *inter alia*, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991) on the right to adequate housing, considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Taking note of the observations of the Committee on Economic, Social and Cultural Rights concerning forced evictions, in which the Committee clearly equated this practice with violations of the obligations arising under the International Covenant on Economic, Social and Cultural Rights,

Recalling that forced evictions are unacceptable under international human rights law, unless accompanied by all necessary legal and other safeguards, including due process, when carried out against any persons, notwithstanding their tenure status,

Taking note of the explicit recommendations concerning the practice of forced evictions contained in the final report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1995/12, chap. VIII),

Noting the provisions on forced evictions contained in the Habitat Agenda (A/CONF.165/14) adopted by the United Nations Conference on Human Settlements (Habitat II) convened in Istanbul in June 1996,

Aware of the many similarities between the phenomena of forced evictions, internal displacement, population transfer, mass expulsions, mass exodus, "ethnic cleansing" and other practices involving the coerced and involuntary movement of people from their homes, lands and communities,

1. Reaffirms that the practice of forced eviction constitutes a gross violation of a broad range of human rights, in particular the right to adequate housing, the right to remain, the right to food, the right to freedom of movement, the right to privacy, the right to security of the home, the right to security of the person, the right to security of tenure, the right to equality of treatment and a variety of additional rights;

2. Strongly urges Governments to undertake immediately measures at all levels aimed at eliminating the practice of forced eviction through, inter alia, immediately renouncing existing plans involving forced evictions, repealing legislation allowing forced evictions and ensuring the right to security of tenure to all citizens and other residents;

3. Also strongly urges Governments to confer legal security of tenure on all persons, in particular those currently threatened with forced eviction, and to adopt all necessary measures giving full protection against forced eviction based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes, rights and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups, and recognizing the obligation to ensure such provision in the event of any forced eviction;

5. *Invites* all international financial, trade, development and other related institutions and agencies to take fully into account the views contained in the present resolution and other pronouncements under international human rights and humanitarian law on the practice of forced eviction;

6. *Requests* the United Nations High Commissioner for Human Rights to give due attention to the practice of forced eviction in discharging his responsibilities and to undertake measures, whenever possible, to persuade Governments to halt planned forced evictions and to ensure the provision of adequate compensation when evictions have already occurred;

7. *Requests* the United Nations Centre for Human Settlements (Habitat) in implementing its housing rights strategy (HS/C/15/INF.7) and the Habitat Agenda (A/CONF.165/14) adopted by the United Nations Conference on Human Settlements (Habitat II) to do everything within its power to prevent the practice of forced eviction by, *inter alia*, using the good offices of the Secretary-General to persuade Governments to refrain from carrying out forced evictions and by compiling annual lists of all eviction cases brought to its attention;

8. *Requests* the Secretary-General, in accordance with Economic and Social Council decision 1996/290 of 24 July 1996, to convene an expert seminar on the practice of forced evictions and the relationship of this practice to internationally recognized human rights, with a view to developing a set of comprehensive human rights guidelines on forced evictions, including development-based displacement and forced evictions carried out in conjunction with international events, prior to the forty-ninth session of the Sub-Commission;

9. *Requests* the Secretary-General to submit the report of the expert seminar and the aforementioned guidelines to the Sub-Commission at its forty-ninth session;

10. *Decides* to consider the issue of forced evictions at its forty-ninth session under the agenda item entitled "The realization of economic, social and cultural rights" and to determine how most effectively to continue its consideration of the issue of forced evictions.

35th meeting
29 August 1996
[Adopted without a vote. See chap. IX.]

1996/28. *Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1994/35 of 4 March 1994, in which the Commission recommended that the Sub-Commission, in conformity with Sub-Commission resolution 1993/29 of 25 August 1993, take measures to examine the basic principles and guidelines proposed by the Special Rapporteur, Mr. Theo van Boven, in his study on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8) with a view to making proposals thereon and reporting to the Commission;

Recalling also its decision 1995/117 of 24 August 1995, in which it requested the former Special Rapporteur to submit, without financial implications, in time for the Sub-Commission's consideration at its forty-eighth session, a revised set of the proposed basic principles and guidelines in the light of the existing relevant international instruments;

Taking note of Commission on Human Rights resolution 1996/35 of 19 April 1996, in which the Commission encouraged the Sub-Commission to continue to give consideration to the basic principles and guidelines proposed by the former Special Rapporteur with a view to making substantial progress on this matter;

Expressing its appreciation to the former Special Rapporteur for having submitted, in time for the Sub-Commission's consideration at its forty-eighth session, a revised text of the basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law (E/CN.4/Sub.2/1996/17);

1. *Decides* to transmit the revised draft basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law to the Commission on Human Rights for its consideration together with the comments of the sessional working group on the administration of justice and the question of compensation (E/CN.4/Sub.2/1996/16, paras. 10-32), and the comments of the Sub-Commission during the present session;

2. *Requests* the former Special Rapporteur, Mr. Theo van Boven, to prepare, without financial implications, a note taking into account the comments and observations of the working group and the Sub-Commission referred to in the previous paragraph, in order to facilitate the examination by the Commission on Human Rights of the draft revised basic principles and guidelines.

35th meeting
29 August 1996
[Adopted without a vote. See chap. XI.]

1996/29. *The right to a fair trial*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/35 of 26 August 1994 in which it expressed its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and

Mr. William Treat, for their final report on the right to a fair trial and a remedy, and approved their proposal to compile the entire study so that it could be published in one volume to be issued under the United Nations Human Rights Study Series,

Recalling also Commission on Human Rights decision 1995/110 of 3 March 1995, in which the Commission endorsed the proposal by the Sub-Commission that the full study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening" be published in all the official languages of the United Nations,

Recalling further Economic and Social Council decision 1995/299 of 25 July 1995, in which it approved the endorsement by the Commission of the request of the Sub-Commission to publish the compiled report on the right to a fair trial and a remedy,

Noting with interest the International Symposium on the Right to a Fair Trial, held from 31 January to 3 February 1996 at the Max Planck Institute of Comparative Public Law and International Law in Heidelberg, Germany,

Recognizing the successful completion of Mr. William Treat's term as a member of the Sub-Commission and as a Special Rapporteur on the right to a fair trial,

1. Requests that Mr. Stanislav Chernichenko work in cooperation with Mr. David Weissbrodt to compile and update the study on the right to a fair trial and a remedy so that it can be published in one volume in the United Nations Human Rights Study Series in all the official languages of the United Nations;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 5.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XI]

1996/30. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the ninth annual report on the question of human rights and states of emergency (E/CN.4/Sub.2/1996/19 and Corr.1) submitted by the Special Rapporteur, Mr. Leandro Despouy,

1. Thanks the Special Rapporteur for his ninth annual report, which, after updating, will be submitted to the Commission on Human Rights for consideration at its fifty-third session;

2. *Requests* the Special Rapporteur to update the list of States which have proclaimed, extended or terminated a state of emergency with a view to its consideration by the Sub-Commission at its forty-ninth session, and requests him to submit final conclusions on the protection of human rights during states of emergency, together with specific recommendations as to how this question should be dealt with in the future;

3. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 6.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XI.]

1966/31. *Discrimination against indigenous peoples*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with appreciation of the report of the Working Group on Indigenous Populations on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the work accomplished during its fourteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its fourteenth session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-third session;

4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis which might assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Expresses its appreciation to the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, for her working paper on the concept of "indigenous people" (E/CN.4/AC.4/1996/2);

6. Requests the Secretary-General to transmit the working paper on the concept of "indigenous people" to Governments, intergovernmental organizations and indigenous peoples' organizations for their comments for submission to the Working Group at its fifteenth session;

7. Requests the Chairperson-Rapporteur to prepare a supplementary note on the concept of "indigenous people", taking into account, inter alia, any comments and relevant views she may receive;

8. Welcomes the debate on indigenous health at the fourteenth session of the Working Group and the participation of the World Health Organization;

9. Endorses the recommendation of the Working Group to highlight specific topics at its future sessions;

10. Recommends that the Working Group continue to address health and other important issues, including education, development, environment and land, at its future sessions;

11. Requests the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on matters relating to "indigenous peoples: environment, land and sustainable development", which will be the principal item on the agenda of the fifteenth session of the Working Group, as well as health, to be made available as background papers at that session;

12. Requests the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous

Populations that the Working Group at its fifteenth session will highlight land and environment issues, so that the Board can bear this in mind when it meets for its tenth session in 1997;

13. Requests the Secretary-General to prepare an annotated agenda for the fifteenth session of the Working Group containing, inter alia, the following items: standard-setting activities, including a sub-item on the concept of "indigenous peoples"; review of developments, including sub-items on "indigenous peoples: environment, land and sustainable development" and "indigenous health"; a permanent forum for indigenous people; the International Decade of the World's Indigenous People; and the study on treaties, agreements and other constructive arrangements between States and indigenous peoples;

14. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the forty-ninth session of the Sub-Commission;

15. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 7.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/32. United Nations Voluntary Fund for Indigenous Populations and Voluntary Fund for the International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind Article 71 of the Charter of the United Nations and Economic and Social Council resolution 1296 (XLIV) of 23 May 1968,

Recalling General Assembly resolution 40/131 of 13 December 1985 establishing the United Nations Voluntary Fund for Indigenous Populations,

Recalling also General Assembly resolution 48/163 of 20 December 1993 establishing the Voluntary Fund for the International Decade of the World's Indigenous People,

Noting the concern expressed by some indigenous and governmental delegations at the fourteenth session of the Working Group on Indigenous Populations about the need for transparency in the management of the two Voluntary Funds,

Recommends that the relevant United Nations departments establish separate accounts and separate bodies for the Voluntary Fund for the

International Decade and the Voluntary Fund for Indigenous Populations and, if possible, transfer the financial management of the Funds from New York to Geneva.

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/33. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the increasing challenges presented by the HIV/AIDS epidemic require intensified efforts to ensure universal respect for and observance of fundamental human rights and freedoms, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35 of 14 May 1992, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory testing,

Convinced that discrimination against any person on the grounds of AIDS or HIV infection, actual or presumed, is a violation of fundamental rights and freedoms,

Recognizing that persons suffering from disadvantaged socio-economic or legal status, such as women, children, indigenous peoples, minorities, refugees, migrants, sex workers, men who are homosexual, injecting drug users and prisoners, are more vulnerable to the risk of HIV infection owing to limited or no access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the HIV/AIDS epidemic,

Recognizing also that the clinical, social and cultural elements of HIV/AIDS, including the impairment which can result from it and the ignorance, discrimination and stigma which surround it, indicate that it is appropriate to consider HIV/AIDS as a disability for purposes of protection against discrimination,

Alarmed at the increasing rate of HIV infection among women and children, exacerbated by the continuing subordination of women and the exploitation of children, including child prostitution and pornography,

Concerned that fear, ignorance and intolerance continue to cause stigmatization of and prejudice against people affected by HIV/AIDS, including those presumed to be infected or at risk of infection, resulting in violence, detention and discrimination in the areas of health care, employment, education, housing, social welfare, travel and the granting of asylum, Expressing its grave concern that people living with HIV/AIDS, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Emphasizing the responsibility of Governments to take all the necessary measures to counter discrimination, prejudice and stigma, to ensure the full realization of all human rights and freedoms by people affected by HIV/AIDS, and to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Welcoming the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the progress made towards the integration of a strong human rights component throughout the strategies and work of the Programme,

Welcoming also the organization of a second international expert consultation on human rights and HIV/AIDS, with a view to elaborating guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS,

1. Reconfirms that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards and that the term "other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Confirms that it is appropriate to consider HIV/AIDS as a disability for purposes of protection against discrimination;

3. Calls upon all States to ensure that their legislation, policies and practices, including those in the context of HIV/AIDS, respect international human rights standards, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting HIV/AIDS prevention and care programmes, in particular with respect to women, children, indigenous peoples, minorities, refugees, migrants, sex workers, men who are homosexual, injecting drug users and prisoners;

4. Also calls upon all States to take all the necessary steps to advance the legal, economic and social status of women, children, minorities, indigenous peoples, migrants and other groups suffering lack of full enjoyment of their fundamental human rights and freedoms, in order to reduce their vulnerability to HIV infection and to the adverse socio-economic consequences of the AIDS pandemic;

5. Calls upon the special rapporteurs, representatives and working groups, as well as other United Nations human rights bodies, to address all HIV-related issues arising under their mandates, with particular attention to women, children and vulnerable groups;

6. Requests the United Nations High Commissioner for Human Rights, through the Commission on Human Rights, to continue his efforts to ensure sufficient resources within the Centre for Human Rights to address HIV/AIDS-related issues and to incorporate these issues, as appropriate, in all the Centre's activities;

7. Stresses the importance of the organization of a second international expert consultation on human rights and HIV/AIDS with a view to elaborating guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS;

8. Requests UNAIDS to continue the integration of a strong human rights component in all its activities;

9. Strongly urges the Commission on Human Rights to keep under review the issue of HIV/AIDS-related human rights violations and discrimination;

10. Decides to keep the issue of HIV/AIDS-related human rights violations and discrimination under continuous review, and to give consideration to this issue under all relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

35th meeting
29 August 1996
[Adopted by a roll-call vote of 13 to 2, with
6 abstentions. See chap. V.]

1996/34. International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Taking note of General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recognizing the importance of consultation and cooperation with indigenous peoples in planning and implementing the programme of activities for the Decade and the need for adequate financial support from the international community, including the United Nations and its specialized agencies, Emphasizing the importance of international and national seminars, workshops and technical meetings on issues relating to indigenous people, with equitable indigenous participation,

Having considered the report of the Working Group on Indigenous Populations on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1),

1. Welcomes the observance of the International Day of Indigenous People;

2. Recommends that in accordance with General Assembly resolution 50/157 of 21 December 1995, the "Draft United Nations declaration on the rights of indigenous peoples" be adopted as early as possible in the International Decade;

3. Also recommends that special attention be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;

4. Further recommends that the Centre for Human Rights organize a workshop of indigenous journalists, with the participation of appropriate departments of the United Nations and other relevant institutions and persons, in order to improve dissemination of information about the United Nations and its activities relating to indigenous peoples;

5. Welcomes the conclusions and recommendations of the expert seminar on practical experiences regarding indigenous land rights and claims, held in Whitehorse, Canada, from 24 to 28 March 1996;

6. Recommends that the Centre for Human Rights organize further technical meetings on questions relating to indigenous land rights and claims in accordance with the recommendation made at the Whitehorse seminar, focusing in particular on issues such as the negotiation process and co-management regimes;

7. Requests the Secretary-General to include in his report to the General Assembly the suggestions and relevant recommendations made in the course of the debate on the International Decade at the fourteenth session of the Working Group on Indigenous Populations;

8. Requests the Working Group on Indigenous Populations to include in its agenda for its fifteenth session a separate item entitled "Review of the activities carried out under the programme of activities for the International Decade of the World's Indigenous People during the period 1994-1996."

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/35. Permanent forum in the United Nations for indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II.32),

Recalling General Assembly resolutions 48/163 of 21 December 1993 and 50/157 of 21 December 1995 and Commission on Human Rights resolution 1996/41 of 19 April 1996,

Deeply convinced that the establishment of a permanent forum cannot be considered as an alternative to the continued existence of the Working Group on Indigenous Populations,

Taking note of the report of the workshop held in accordance with Commission on Human Rights resolution 1996/41 (E/CN.4/Sub.2/AC.4/1996/5 and Adds. 1 and 2) and of the documents of the Working Group on Indigenous Populations,

Taking into account the comments and suggestions of participants at the fourteenth session of the Working Group on Indigenous Populations on this important topic,

1. Welcomes the request to the Commission on Human Rights by the General Assembly in its resolution 48/163 of 21 December 1993 to give priority consideration to the possible establishment of a permanent forum for indigenous people in the United Nations system;

2. Also welcomes the request by the Commission on Human Rights, contained in its resolution 1996/41 of 19 April 1996, that the Working Group on Indigenous Populations give priority consideration to the possible establishment of a permanent forum for indigenous people and submit its further comments and suggestions, through the Sub-Commission, to the Commission on Human Rights at its fifty-third session;

3. Requests the Secretary-General, in preparing his review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people, to take into account the views and opinions on the permanent forum expressed at the fourteenth session of the Working Group on Indigenous Populations and the information received from indigenous peoples and communities, as well as from Governments;

4. Recommends that the Centre for Human Rights, drawing on the results of the Secretary-General's review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and of the workshop on a possible permanent forum for indigenous people held in

Copenhagen in June 1995, and in accordance with General Assembly resolution 50/157 of 21 December 1995, organize a second workshop on a permanent forum for indigenous people in early 1997;

5. Welcomes the offer by the Government of Chile to host the second workshop on the possible establishment of a permanent forum for indigenous people;

6. Recommends that the permanent forum be established in the early part of the International Decade of the World's Indigenous People and that its mandate include questions relating to all fields included in the programme of activities for the International Decade;

7. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I draft decision 9.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/36. Religious freedom of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

Mindful of the "Draft United Nations declaration on the rights of indigenous peoples", especially article 13,

Mindful also of the conclusions and recommendations contained in the report of the expert seminar on practical experiences regarding indigenous land rights and claims (E/CN.4/Sub.2/AC.4/1996/6) and of paragraphs 1 and 12 of the principles and guidelines annexed to the final report of the Special Rapporteur, Ms. Erica-Irene A. Daes, on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26),

Emphasizing the spiritual connection that indigenous peoples have with the land, and the relationship of traditional lands with the practice of indigenous religion,

Strongly emphasizing the concern manifested by representatives of indigenous peoples during the fourteenth session of the Working Group on Indigenous Populations at the violation of their sacred sites and religious ceremonies,

Mindful of the role the United Nations could play in facilitating the resolution of situations involving indigenous peoples and their right to practise their religious beliefs,

1. Affirms that religion or belief, for anyone who professes either, is one of the fundamental elements in his or her conception of life and that freedom of religion or belief should be fully respected and guaranteed;

2. Reiterates article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which states that everyone should have the right to freedom of religion and that this right includes freedom, either individually or in community with others, to manifest one's religion or belief in worship, observance, practice and teaching;

3. Expresses its deep conviction that human rights and fundamental freedoms must be respected by institutions of local, internal or autonomous self-government, no less than by States;

4. Invites the Special Rapporteur of the Commission on Human Rights on religious intolerance to take into account, in preparing his reports and organizing his field missions, the specific problems faced by indigenous people relating to the destruction and violation of their sacred sites and religious ceremonies;

5. Also invites the Special Rapporteur to take into account the spiritual relationship these indigenous communities have with the land and the significance of traditional lands for the practice of their religion, and to examine the history of events which are responsible for the violation of these communities' right to freedom of religion and religious practice;

6. Recommends that the Special Rapporteur explore in depth the impact that outside influences have on these communities' ability to practise their religion.

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/37. Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Recalling also its resolution 1993/44 of 23 August 1993, in which it expressed its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her comprehensive study on the protection of the cultural and intellectual property of indigenous peoples (E/CN.4/Sub.2/1993/28), and requested her to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous people,

Recalling further its resolution 1995/40 of 25 August 1995, in which it expressed its deep appreciation to the Special Rapporteur for her excellent report on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1995/26) and the draft principles and guidelines annexed thereto, and requested her to prepare a supplementary report including a chapter concerning relevant activities undertaken in other forums, and to submit it to the Sub-Commission at its forty-eighth session,

Recalling Commission on Human Rights decisions 1992/114 of 3 March 1992 and 1994/105 of 4 March 1995, and taking note of Commission on Human Rights resolution 1996/63 of 26 April 1996,

Recalling also Economic and Social Council decisions 1992/256 of 20 July 1992, 1994/274 of 25 July 1994 and 1995/297 of 25 July 1995,

Considering that a majority of Governments have recognized the need to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation of biological diversity, as described in article 8 (j) of the Convention on Biological Diversity,

Recognizing that an objective of the International Decade of the World's indigenous People, proclaimed by the General Assembly in its resolution 50/157 of 21 December 1995, is the promotion and protection of the rights of indigenous people and their empowerment to make choices that enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages, traditions and forms of social organization,

Recognizing also the urgency, repeatedly expressed by representatives of indigenous people at the Working Group on Indigenous Populations, with respect to the need for international standards and cooperation in this field,

Having considered the supplementary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1996/22),

Believing that the principles and guidelines for the protection of the heritage of indigenous people, annexed to the final report of the Special Rapporteur, are consistent with existing standards in the fields of human rights, environment and trade,

Bearing in mind the recommendation of the General Assembly, in its resolution 50/157 of 21 December 1995, that the Secretary-General undertake a review of existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and report to the General Assembly at its fifty-first session,

1. *Commends* the Special Rapporteur, Mrs. Erica-Irene A. Daes, for the additional information, clarifications and recommendations contained in her supplementary report (E/CN.4/Sub.2/1996/22);

2. *Takes note with satisfaction* of the detailed comments which the Special Rapporteur received from Governments, specialized agencies and intergovernmental organizations;

3. *Decides* to transmit to the Commission on Human Rights the principles and guidelines annexed to the final report of the Special Rapporteur (E/CN.4/Sub.2/1995/26), with the recommendation that they be adopted;

4. *Welcomes* the decision of the World Intellectual Property Organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to organize an international symposium on preservation and legal protection of folklore, and authorizes the Special Rapporteur to participate in the symposium;

5. *Also welcomes* the high priority given to protection of the traditional knowledge of indigenous peoples by the States parties to the Convention on Biological Diversity, as well as the technical work that is being undertaken by the Executive Secretary of the Convention;

6. *Acknowledges* the importance of harmonizing the efforts of the various United Nations forums and intergovernmental organizations which have undertaken standard-setting initiatives in the field of intellectual property rights, including the rights of indigenous peoples with respect to their traditional knowledge;

7. *Requests* the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider how they can contribute to her work and to transmit the report of this meeting to the Sub-Commission and the Commission on Human Rights;

8. *Endorses* the recommendation of the Special Rapporteur that a member of the Working Group on Indigenous Populations should be entrusted with a mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people in order to facilitate cooperation and coordination between the Working Group and these bodies and to promote the greatest possible level of participation of indigenous people in their efforts;

9. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see Chap. I, draft decision 10.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/38. Study on indigenous land rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Acknowledging that indigenous people in certain countries have been deprived of their human rights and fundamental freedoms and that many of the human rights problems faced by indigenous people are linked to the historical and continuing deprivation of ancestral rights over lands and resources,

Recognizing the profound spiritual, cultural, social and economic relationship that indigenous people have to their total environment and the urgent need to respect and recognize the rights of indigenous people to their lands and resources,

Acknowledging that lack of secure land rights, in addition to continued instability of State land tenure systems and impediments to development initiatives and efforts for the promotion and protection of indigenous communities and the environment, are imperilling the survival of indigenous people,

Recognizing that United Nations organs and Member States have increasingly acknowledged that lands and natural resources are essential to the economic and cultural survival of indigenous people, and that some States have enacted legal measures that uphold indigenous land rights or have established procedures for arriving at legally binding agreements on indigenous land-related issues,

Mindful of the development of relevant international standards and programmes which promote and affirm the rights of indigenous people to their lands and resources, in particular the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development, World Bank Operational Directive 4.20, the draft of the Inter-American Declaration on the Rights of Indigenous Peoples developed by the Inter-American Commission on Human Rights of the Organization of American States, and the draft United Nations declaration on the rights of indigenous people,

Recognizing that despite these international and national advances, problems continue to abound which impede the effective enjoyment of indigenous land rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or policies regarding indigenous land claims or in other instances have not provided adequate implementing mechanisms concerning indigenous land rights that are mutually acceptable to the parties concerned,

Recalling also the activity of the United Nations, which lays the groundwork for a thorough inquiry into the subject of indigenous land rights, in particular, the Sub-Commission's study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1986/7 and Add.1-4), Recalling further the report and recommendations of the expert seminar on practical experiences regarding indigenous land rights and claims, held in Whitehorse, Canada, in March 1996 (E/CN.4/Sub.2/AC.4/1996/6),

Recognizing the urgent need for a systematic inquiry and analysis concerning land rights that would be highly useful to indigenous people and States alike in their efforts to overcome continuing land rights problems and to establish peaceful relations based on respect for human rights and fundamental freedoms,

1. Recommends that the Commission on Human Rights authorize the Sub-Commission to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, *inter alia*, provide: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and of the problems that continue to exist in this regard; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights. In preparing her study the Special Rapporteur should draw upon indigenous people's experiences in order to make the relevant assessment and constructive, action-oriented recommendations, as well as to propose solutions to problems faced by indigenous people and States in securing the effective enjoyment of indigenous land rights;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 11.]

35th meeting
29 August 1996
[Adopted without a vote. See chap. XV.]

1996/39. The relationship between the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the provisions of the Charter which establish that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in Article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55 of the Charter, *Conscious* that the Universal Declaration of Human Rights provides that everyone is entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources",

Mindful that in the Vienna Declaration and Programme of Action (A/CONF.157/23) the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that the Working Group on the Right to Development identified the concentration of economic and political power as one of the obstacles to the realization of the right to development,

Noting also that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Taking into account that the Working Group on the Right to Development recommended the adoption of new international legislation and the creation of effective international institutions to regulate the activities of transnational corporations and banks, and in particular to resume the multilateral negotiations on a code of conduct for transnational corporations,

Bearing in mind the Tripartite Declaration concerning Multinational Enterprises and Social Policy adopted by the International Labour Conference,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling its resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/36 of 25 August 1993, 1993/40 of 26 August 1993, 1994/37, 1994/40, 1994/41 and 1994/48 of 26 August 1994 and 1995/31 of 24 August 1995, Recalling also Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1995, 1995/13 and 1996/15 of 11 April 1996,

Taking into account the background document (E/CN.4/Sub.2/1995/11) prepared by the Secretary-General in accordance with its resolution 1994/37 and the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31,

1. Reiterates its endorsement of the conclusion, initially formulated in the preparatory document prepared by Mr. Asbjørn Eide (E/CN.4/Sub.2/1994/21) and repeated in the preliminary report of the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1996/14), that the concentration of wealth constitutes a serious obstacle to the realization of human rights, be they economic, social, cultural, political or civil;

2. Shares the view expressed by the Special Rapporteur, Mr. El Hadji Guissé, in his second interim report on the question of impunity of perpetrators of violations of economic, social and cultural rights (E/CN.4/Sub.2/1996/15) that certain practices and activities of transnational corporations, when combined with the negative effects of foreign indebtedness and of the deterioration in the terms of trade, constitute obstacles to the realization of the right to development by developing countries and their peoples;

3. Endorses the report submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995;

4. Reaffirms the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, underlining its multidimensional, integrating and dynamic character which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at the universal and effective respect of all human rights in their universality, indivisibility and interdependence;

5. Decides to transmit the background document prepared by the Secretary-General and the report of the Secretary-General to the Commission on Human Rights at its fifty-third session for consideration and action under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights";

6. Affirms that the global and multidimensional approach defined in the Declaration on the Right to Development should provide the basis for the work undertaken on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations;

7. Considers that it would be useful for the Commission on Human Rights to establish, for a three-year period, a working group composed of five experts nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights at its fifty-third session on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify and examine the effects of the methods of work and activities of transnational corporations and business entities with franchises and licences from such corporations on economic, social and cultural rights and the right to development;

(b) To investigate, monitor, examine and receive communications and gather information on the effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development;

(c) To make recommendations and proposals aimed at regulating, at the national, regional and international levels, the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote economic, social and cultural rights and the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively;

8. Invites the Commission on Human Rights to request the Secretary-General to invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations to submit information on the effects of the working methods and activities of transnational corporations on the enjoyment of human rights, in particular economic, social and cultural rights and the right to development;

9. Decides to continue to consider, as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", the question of the effects of the activities and working methods of transnational corporations on the enjoyment of all human rights, including the right to development.

36th meeting
30 August 1996
[Adopted without a vote. See chap. IX.]

B. Decisions

1996/101. Thirtieth anniversary of the International Covenants on Human Rights

At its 2nd meeting, on 6 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to add a new sub-item 16 (a), entitled "Thirtieth anniversary of the adoption of the International Covenants on Human Rights", to its agenda.

[See chap. III.]

1996/102. The right to leave any country, including one's own, and to return to one's own country

At its 2nd meeting, on 6 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to add a new sub-item 18 (c), entitled "The right to leave any country, including one's own, and to return to one's own country", to its agenda.

[See chap. III.]

1996/103. Working group on the administration of justice and the question of compensation

At its 2nd meeting, on 6 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1995/103 of 1 August 1995 and its resolution 1994/33 of 26 August 1994, decided, without a vote, to establish a sessional working group on the administration of justice and the question of compensation under agenda item 10.

[See chap. III.]

1996/104. Organization of work

At its 2nd meeting, on 6 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to invite the following persons to participate in its meetings:

(a) Mr. Leandro Despouy to present his final report on human rights and extreme poverty (item 8) and the ninth annual report on the question of human rights and states of emergency (item 10);

(b) Ms. Linda Chavez to present her preliminary report on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict (item 15);

(c) Mr. Gilberto Saboia, Chairman of the Commission on Human Rights at its fifty-second session, to present the report of the Commission in accordance with paragraph 13 of Commission resolution 1996/25 of 19 April 1996.

[See chap. III.]

1996/105. Voting by secret ballot on agenda item 6

At its 19th meeting, on 19 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot whenever a vote was requested on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1996/106. Monitoring the transition to peace in Guatemala

At its 20th meeting, on 20 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote:

(a) To authorize the Chairman of the Sub-Commission to issue a statement on the situation of human rights and the progress of the peace process in Guatemala, under agenda item 6;

(b) To urge the Government of Guatemala to:

(i) Intensify its efforts to combat and to prevent violations of fundamental human rights, particularly those affecting the right to life and to the integrity and security of the person;

(ii) Continue to combat impunity, to remove those persons mainly responsible for human rights violations from their posts and to bring them to justice;

(iii) Prevent the proclamation of amnesties or of any other mechanism that grants impunity to violators of human rights;

(c) To encourage the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) to plan and implement, in the relevant negotiations, arrangements for a cease-fire, the demobilization of military personnel and their return together with former combatants to the civilian life of the country, guaranteeing their full enjoyment of civil and political rights;

(d) To continue to follow the development of events in Guatemala and to observe the building of a firm and lasting peace.

[See chap. VII.]

1996/107. Humanitarian situation in Iraq

At its 21st meeting, on 20 August 1996, the Sub-Commission, recalling its decision 1995/107 of 18 August 1995 affirming the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, deeply concerned at reports of the serious consequences which the embargo imposed on Iraq for the past six years is having on the entire civilian population in Iraq and, in particular, on children, women and the most underprivileged sectors of the population, taking note of the agreement between Iraq and the United Nations on the implementation of Security Council resolution 986 (1995) of 14 April 1995, concerned nevertheless at reliable information according to which children will continue to die after the agreement, since it does not correspond to the minimum needs, in particular for food and medicines, of the civilian population, decided, without a vote, to appeal once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population.

[See chap. VII.]

1996/108. The humanitarian situation in the Republic of Chechnya of the Russian Federation

At its 23rd meeting, on 21 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, by 17 votes to 2, with 4 abstentions, to adopt the following text:

> "1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities considers with concern the grave situation of human rights in the Republic of Chechnya of the Russian Federation. It recalls the statements by the Chairman of the Commission on Human Rights at its fifty-first and fifty-second sessions expressing the Commission's deep preoccupation with the continued fighting, despite various cease-fires, the high number of victims and the suffering inflicted on the civilian population (E/1995/23-E/CN.4/1995/176, para. 594 and E/1996/23-E/CN.4/1996/177-, para. 371).
>
> "2. The Sub-Commission further recalls the Nazran Cease-fire Agreement of 10 June 1996 and regrets that it has been repeatedly violated.

"3. The Sub-Commission is alarmed at the announcement of an ultimatum by the commander of the Russian forces that massive strikes, using aircraft as well as ground forces, will be employed against Grozny, the capital of Chechnya.

"4. Bearing in mind that an estimated 40,000 persons, mostly civilians, have been killed in the fighting, the Sub-Commission urges the parties concerned to respect fully the principles of international law, and international humanitarian law in particular.

"5. The Sub-Commission calls urgently for an immediate and lasting cessation of hostilities, other acts of violence and violations of human rights."

[See chap. XX.]

1996/109. The right to freedom of movement

At its 27th meeting, on 23 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided, without a vote, to entrust Mr. Volodymyr Boutkevitch with the task of preparing, without financial implications, a working paper on the right to freedom of movement and related issues and to submit it to the Sub-Commission at its forty-ninth session.

[See chap. XIX.]

1996/110. Human rights and scientific and technological developments

At its 27th meeting, on 23 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recognizing that everyone has the right to enjoy the benefits of scientific progress and its applications, and noting that at the World Conference on Human Rights it was acknowledged that certain advances, notably in the biomedical and life sciences, as well as in information technology, might have potentially adverse consequences for the integrity, dignity and human rights of the individual, decided, without a vote, to entrust Mr. Osman El-Hajjé with the task of preparing, without financial implications, a working paper on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, and called on the international scientific community and the international organizations concerned to cooperate with Mr. El-Hajjé in carrying out this task.

[See chap. XIII.]

1996/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 34th meeting, on 29 August 1996, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission:

Regional Group	Communications	Indigenous Populations	Minorities	Contemporary Forms of Slavery
Africa	Mr. Yimer Ms. Mbonu (alternate)	Mr. Guissé	Mr. Khalil Mr. Mehedi (alternate)	Ms. Warzazi Ms. Gwanmesia (alternate)
Asia	Mr. Fan Guoxiang Mr. Zhong Shukong (alternate)	Mr. Hatano Mr. Yokota (alternate)	Mr. Ali Khan Mr. El-Hajjé (alternate)	Mr. El-Hajjé Mr. Ali Khan (alternate)
Latin America	Mr. Diaz Uribe Mr. Fix Zamudio (alternate)	Mr. Alfonso Martinez Mr. Bengoa (alternate)	Mr. Bengoa Mr. Alfonso Martinez (alternate)	Mr. Lindgren Alves Ms. Ferriol Echevarria (alternate)
Eastern Europe	Mr. Ramishvili	Mr. Boutkevitch	Mr. Chernichenko	Mr. Maxim
Western Europe	Ms. Palley Mr. Bossuyt (alternate)	Ms. Daes Mr. Weissbrodt (alternate)	Mr. Eide	Mr. Bossuyt Ms. McDougall (alternate)

[See chaps. X, XV, XVI and XVIII.]

1996/112. Methods of work of the Sub-Commission

At its 34th meeting on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, aware that its present schedule does not allow it to devote sufficient time to its work, in particular to the study of documents, the preparation of draft resolutions and the undertaking of sufficiently wide consultations among its members and with representatives of Governments and non-governmental organizations, and convinced that the time devoted to formal meetings could be reduced if the meetings were rescheduled to take place over a longer period, thereby allowing time for more frequent informal consultations, decided, without a vote, to request the Secretary-General to examine the financial and other implications of organizing its sessions according to each of the following three proposals: (a) one session of four weeks with two meetings each working day; (b) one session of five weeks with one week of two meetings each working day and four weeks of one meeting each working day; (c) one session of six weeks of one meeting each working day. The Sub-Commission also decided, without a vote, to request the Secretary-General to submit a report on his examination of this matter at its forty-ninth session.

[See chap. IV.]

1996/113. Reform of the work of the Sub-Commission

At its 34th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling Commission on Human Rights resolution 1996/25 of 19 April 1996, in which the Sub-Commission was requested to review the selection of subjects for studies as well as the commissioning, number, treatment and time-frame of studies and reports, recognizing the need of the Sub-Commission to bring to a successful conclusion studies which had been initiated, believing that the Sub-Commission should consider carefully how to respond to the Commission's request and recognizing the need to initiate at its forty-eighth session one or more working papers so as to be able to select subjects for studies at later sessions, decided, by 18 votes to 3, with 2 abstentions, that at its forty-eighth session the Sub-Commission would not propose any new studies or reports, with the exception of working papers without financial implications and of those cases in which studies or reports were specifically recommended by a competent working group of the Sub-Commission.

[See chap. IV.]

1996/114. Methods of work of the Sub-Commission

At its 34th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, mindful of the need for and merit of having a consolidated set of the rules of procedure that are fully applicable to it, decided, without a vote, to entrust Mr. Ribot Hatano with the task of preparing, without financial implications, a working paper relating to the methods of work of the Sub-Commission, to be submitted to it at its forty-ninth session as a basis for discussion, which will contain:

(a) A compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission;

(b) A list of the procedural questions which need to be resolved by the Sub-Commission.

The Sub-Commission also decided, without a vote, to request the Secretariat to provide Mr. Hatano with all the assistance he might need in the preparation of the working paper.

[See chap. IV.]

1996/115. Methods of work of the Sub-Commission regarding agenda item 6

At its 34th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, noting that the Commission on Human Rights in its resolution 1996/25 of 19 April 1996 requested the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication, and considering it inappropriate to draw to the attention of the Commission situations which the Sub-Commission had reason to believe revealed consistent patterns of violations of human rights and fundamental freedoms, in accordance with Commission resolution 8 (XXIII) of 16 March 1967, when those situations were already under consideration in the Commission, decided, by 19 votes to 3, with 2 abstentions, to take no action at its forty-ninth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations.

[See chap. IV.]

1996/116. Recognition of gross and massive violations of human rights as an international crime

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution 1995/22 of 24 August 1995 in which it reiterated its recommendation that the Commission on Human Rights appoint a special rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", recalling also Commission decision 1996/105 of 19 April 1996 in which the Commission decided, without a vote, to postpone forwarding that request to the Economic and Social Council in order to be able to take into account the work of other United Nations bodies in that field, including that of the International Law Commission, and believing that an expanded working paper on the subject would contribute to a better understanding of the subject and would not interfere with the work of other United Nations bodies, decided, without a vote, to request Mr. Stanislav Chernichenko to prepare, without financial implications, an expanded working paper to be entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime", and to submit the expanded working paper in time to be considered by the Sub-Commission at its forty-ninth session.

[See chap. V.]

1996/117. Democratic society

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request Mr. Osman El-Hajjé to prepare, without financial implications, an expanded working paper on ways and means of promoting democracy, how democracy can ensure economic, social, cultural and political rights and how to overcome obstacles to democracy, and to present the expanded working paper to the Sub-Commission at its forty-ninth session.

[See chap. V.]

1996/118. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1994/116 of 26 August 1994 and 1995/118 of 24 August 1995, decided, without a vote:

(a) To take note of the third (last) progress report (E/CN.4/Sub.2/1996/23) submitted by Mr. Miguel Alfonso Martínez, Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations;

(b) To request the Special Rapporteur to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session;

(c) To request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights; and

(d) To recommend that the Commission on Human Rights request the Economic and Social Council to endorse this decision.

[See chap. XV.]

1996/119. The administration of justice and the human rights of detainees

At its 35th meeting, on 29 August 1996, the Sub-Commission on Protection of Discrimination and Protection of Minorities, having considered the final report on the question of the impunity of perpetrators of violations of human rights (civil and political rights) (E/CN.4/Sub.2/1996/18) prepared by Mr. Louis Joinet, decided, without a vote, to request the Special Rapporteur to submit to it at its forty-ninth session a revised version of the set of principles for the protection and promotion of human rights through action to combat impunity contained in annex II of the final report, taking into account the comments and observations received.

[See chap. XI.]

1996/120. Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

At its 35th meeting, on 29 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to entrust two of its members, Mr. José Bengoa and Mr. Mustafa Mehedi, with the preparation, without financial implications, of a joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, together with two members of the Committee on the Elimination of Racial Discrimination, Mr. Ivan Garvalov and Mrs. Shanti Sadiq Ali, to be submitted to the two bodies at their respective sessions in August 1997.

[See chaps. IV and VI.]

1996/121. Dissemination of declarations of the Sub-Commission

At its 36th meeting, on 30 August 1996, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, without a vote, to request that all declarations adopted by the Sub-Commission should be immediately forwarded to the United Nations Department of Public Information for the widest possible public dissemination.

[See chap. IV.]

III. ORGANIZATION OF THE FORTY-EIGHTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-eighth session at the United Nations Office at Geneva from 5 to 30 August 1996. It held 36 meetings (E/CN.4/Sub.2/1996/SR.1-36) during the session.

2. The session was opened by Mr. Ioan Maxim, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session, who made a statement. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, also addressed the Sub-Commission at its 1st meeting, on 5 August 1996.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and a national liberation movement and by representatives of United Nations bodies, specialized agencies, intergovernmental and non-governmental and other organizations. The attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st and 4th meetings, on 5 and 7 August 1996, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Asbjörn Eide
Vice-Chairmen:	Mr. Mohammed Sardar Ali Khan Mr. Stanislav V. Chernichenko Mr. Héctor Fix Zamudio
Rapporteur:	Ms. Lucy Gwanmesia

5. At its 19th meeting, on 19 August 1996, the Sub-Commission elected, by acclamation, to substitute Mr. Héctor Fix Zamudio with Mr. José Augusto Lindgren Alves as Vice-Chairman.

D. Adoption of the agenda

6. At its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-eighth session (E/CN.4/Sub.2/1996/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-seventh session in accordance with paragraph 3 of the Economic and Social Council resolution 1894 (LVII).

7. At the same meeting, statements with regard to the provisional agenda were made by Mr. Chernichenko, Ms. Daes, Mr. Joinet and Ms. Warzazi.

8. At the same meeting, the agenda, as amended, was adopted without a vote.

9. At its 2nd meeting, on 6 August 1996, at the proposal of Ms. Warzazi and upon recommendation of its officers, the Sub-Commission decided to add a new sub-item 16 (a) entitled "Thirtieth anniversary of the International Covenants on Human Rights" to its agenda. The former sub-items (a) and (b) were renumbered accordingly. For the text of the decision, see chapter II, section B, decision 1996/101.

10. At the proposal of Mr. Chernichenko and upon recommendation of its officers, the Sub-Commission, at the same meeting, decided to include a new sub-item 18 (c) on its agenda entitled "The right to leave any country including one's own and to return to one's own country". For the text of the decision, see chapter II, section B, decision 1996/102.

11. For the text of the agenda as adopted, see annex I to the present report.

E. Organization of work

12. At the 2nd meeting, on 6 August 1996, the Sub-Commission decided to establish a sessional working group on the administration of justice and the question of compensation under agenda item 10. For the text of the decision, see chapter II, section B, decision 1996/103.

13. At the same meeting, upon recommendation of its officers, the Sub-Commission decided to invite a number of experts and special rapporteurs to participate in the meetings at which their reports were to be considered. For the text of the decision, see chapter II, section B, decision 1996/104.

F. Meetings, resolutions and documentation

14. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-eighth session of the Sub-Commission are mentioned in annex VI containing the list of documents issued for the forty-eighth session.

15. The Sub-Commission adopted resolutions 1996/1 to 1996/39 and took 21 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

16. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-eighth session is provided in annex III.

17. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

18. A list of studies completed at the forty-eighth session and of ongoing studies, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

19. A list of documents issued for the forty-eighth session of the Sub-Commission appears in annex VI.

G. Other matters

20. At the 1st meeting, on 5 August 1996, Ms. Palley proposed that the Sub-Commission observe a minute of silence in honour of the victims of all forms of violations of human rights in all regions of the world, in particular the journalists and human rights activists who have died for the cause of human rights. Ms. Daes and Mr. Guissé made statements in support of the proposal. At the same meeting, the Sub-Commission observed a minute of silence.

21. At its 13th meeting, on 14 August 1996, in response to Mr. Alfonso Martínez's inquiry on the question of a health insurance policy for members of the Sub-Commission, an administrative officer of the Centre for Human Rights made a statement. Comments in this connection were made by Mr. Alfonso Martínez, Ms. Attah and Ms. Warzazi.

22. At its 21st meeting, on 20 August 1996, an administrative officer of the Centre for Human Rights gave further clarifications concerning a health insurance policy. Mr. Alfonso Martínez made a statement in this connection.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

23. The Sub-Commission considered agenda item 3 at its 3rd (closed meeting), 5th, 6th (closed meeting), 15th to 18th, 26th and 34th to 36th meetings, on 7, 8, 15, 16, 19, 23, 29 and 30 August 1996. The closed meetings were held in accordance with Sub-Commission decision 1995/114 of 24 August 1995.

24. At its 5th meeting, on 8 August 1996, the Chairman of the Commission on Human Rights at its fifty-second session, Mr. Gilberto Vergne Saboia, made a statement on the work of the Commission.

25. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (3rd, 5th, 6th, 16th, 17th, 26th), Mr. Ali Khan (5th, 17th), Ms. Attah (6th), Mr. Bengoa (6th, 16th, 18th), Mr. Bossuyt (3rd, 6th, 16th, 17th, 26th), Mr. Boutkevitch (16th), Mr. Chernichenko (3rd, 5th, 6th, 16th), Ms. Daes (6th, 26th), Mr. Diaz Uribe (6th), Mr. El-Hajjé (3rd, 5th, 17th, 26th), Mr. Fan Guoxiang (6th, 16th, 17th, 26th), Mr. Fix Zamudio (6th), Mr. Guissé (6th, 17th, 26th), Ms. Gwanmesia (3rd, 5th, 6th, 18th, 26th), Mr. Hatano (3rd, 6th, 16th, 17th), Mr. Joinet (3rd, 5th, 6th, 16th, 17th, 26th), Mr. Khalifa (26th), Mr. Khalil (6th), Mr. Lindgren Alves (6th, 16th, 26th), Mr. Maxim (3rd, 6th, 16th, 26th), Ms. Mbonu (18th, 26th), Ms. Palley (3rd, 6th, 17th, 18th), Ms. Warzazi (3rd, 5th, 6th, 17th, 26th) and Mr. Weissbrodt (3rd, 17th).

26. A statement was made by the observer for the United States of America (17th).

27. Statements were also heard from the following non-governmental organizations: American Association of Jurists (17th), International Service for Human Rights (15th).

28. A statement equivalent to a right of reply was made by the observer of the United States of America (17th).

Methods of work of the Sub-Commission

29. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.30, sponsored by Mr. Bossuyt, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martinez, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Mbonu and Mr. Mehedi subsequently joined the sponsors.

30. Statements in connection with the draft decision were made by Mr. Bossuyt, Mr. Chernichenko and Ms. Mbonu.

31. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, 1996/112.

Reform of the work of the Sub-Commission

32. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.37, sponsored by Mr. Lindgren Alves.

33. Mr. Lindgren Alves proposed to orally revise the text by adding, at the end of the draft decision, the words "and of those cases in which the studies or reports are specifically recommended by a competent working group of the Sub-Commission".

34. Statements in connection with the revision were made by Mr. Alfonso Martínez, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Ms. Mbonu and Ms. Palley.

35. At the request of Mr. Alfonso Martínez, a vote by show of hands was taken in accordance with rule 54 of the rules of procedure of the functional commissions of the Economic and Social Council, calling for a decision on the competence of the Sub-Commission to adopt draft decision E/CN.4/Sub.2/1996/L.37. The motion was adopted by 21 votes to 1, with no abstentions.

36. At the request of Mr. Joinet, a vote by show of hands was taken on the draft decision. The decision, as revised, was adopted by 18 votes to 3, with 2 abstentions.

37. For the text of the decision, see chapter II, section B, 1996/113.

Methods of work of the Sub-Commission

38. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.41, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Boutkevitch, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Park, Ms. Warzazi and Mr. Weissbrodt.

39. The decision was adopted without a vote. For the text of the decision see chapter II, section B, 1996/114.

Methods of work of the Sub-Commission regarding item 6

40. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.42, sponsored by Mr. Bossuyt, Mr. Chernichenko and Mr. Lindgren Alves.

41. Mr. Joinet proposed to add, at the end of the draft decision, the words "unless the Sub-Commission decides otherwise in exceptional cases".

42. Mr. Lindgren Alves orally revised the proposed amendment by replacing it with the following text: "unless any new and grave events occur in the intervening period".

43. Statements in connection with the draft decision and the proposed amendment were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Ms. Mbonu, Ms. Palley and Ms. Warzazi.

44. Ms. Warzazi orally proposed to add, at the end of the draft decision, the phrase "sauf en cas des situations de droits de l'homme urgentes se présentant après la Commission des droits de l'homme".

45. Mr. Joinet, Mr. Lindgren Alves and Ms. Warzazi subsequently withdrew their proposals.

46. A vote by show of hands on the original text was taken on the draft decision. The decision was adopted by 19 votes to 3, with 2 abstentions. For the text of the decision, see chapter II, section B, 1996/115.

47. Mr. Alfonso Martinez made a statement in explanation of vote after the vote.

Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination

48. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.55, proposed by the Chairman.

49. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/120.

Dissemination of declarations

50. At its 36th meeting, on 30 August 1996, at the proposal of Mr. Lindgren Alves, the Sub-Commission decided, without a vote, to request that all declarations adopted by the Sub-Commission should be immediately forwarded to the United Nations Department of Public Information for widest possible public dissemination. For the text of the decision, see chapter II, section B, decision 1996/121.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

51. The Sub-Commission considered item 4 at its 15th to 18th, 20th, 34th and 35th meetings on 15, 16, 19, 20 and 29 August 1996.

52. For the documents issued under this item, see annex VI to the present report.

53. At its 15th meeting, on 15 August 1996, the Special Rapporteur on traditional practices affecting the health of women and children, Ms. Halima Embarek Warzazi, presented her final report (E/CN.4/Sub.2/1996/6).

54. At its 17th meeting, on 16 August 1996, Mr. Osman El-Hajjé introduced his working paper on democracy and the establishment of a democratic society (E/CN.4/Sub.2/1996/7).

55. In the general debate on item 4, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (17th, 18th), Mr. Alfonso Martínez (16th, 18th), Mr. Bengoa (16th), Mr. Boutkevitch (16th), Mr. Chernichenko (18th), Ms. Daes (18th), Mr. El-Hajjé (17th, 18th), Mr. Guissé (18th), Ms. Gwanmesia (18th), Mr. Joinet (15th), Mr. Khalifa (17th, 18th), Mr. Lindgren Alves (18th), Mr. Maxim (18th), Ms. Mbonu (17th), Ms. Palley (18th), Mr. Weissbrodt (17th), Mr. Yimer (15th) and Mr. Yokota (17th).

56. Statements were made by the observers for Peru (17th, 18th) and for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (18th).

57. Statements were also made by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (18th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (15th), Movement against Racism and for Friendship among Peoples (20th), Pax Christi International (20th), World Federalist Movement (18th).

58. At its 17th meeting, on 16 August 1996, the Chairman read out the following statement on the situation of human rights in Cyprus on behalf of the Sub-Commission:

> "1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities deplores the violent clashes that took place in Cyprus during a demonstration on 11 April 1996 and a peaceful demonstration on 14 August 1996.
>
> "2. The Sub-Commission regrets very much the death of two unarmed Greek Cypriot young men and the injuring of many other persons, including United Nations peace-keepers, as a result of the Turkish forces allowing armed Turkish Cypriot civilians to pass through the United Nations buffer zone where they clashed with the demonstrators.

"3. The Sub-Commission regrets the non-implementation of its resolutions on Cyprus, relating to the return of refugees and displaced persons to their homes in safety and the full restoration of human rights."

Human rights and HIV/AIDS

59. At its 34th and 35th meetings, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.21, sponsored by Mr. Bossuyt, Ms. Daes, Mr. El-Hajjé, Mr. Hatano, Mr. Joinet and Mr. Lindgren Alves. Mr. Bengoa, Mr. Fix Zamudio and Ms. McDougall subsequently joined the sponsors.

60. Mr. El-Hajjé orally proposed to revise operative paragraph 3 by deleting, at the end of the paragraph the words "in particular with respect to women, children, indigenous peoples, minorities, refugees, migrants, sex workers, men who are homosexual, injecting drug users and prisoners".

61. In this connection, Mr. Joinet proposed to replace the deleted words at the end of operative paragraph 3 by the phrase "des personnes subissant des conditions economiques, sociales et juridiques défavorables". The proposal was subsequently withdrawn.

62. Mr. Joinet also proposed to replace, in the fourth preambular paragraph the words "que les femmes, les enfants, les peuples autochtones, les minorités, les refugiés, les migrants, les personnes qui se livrent au commerce du sexe, les hommes qui sont homosexuels, les utilisateurs de drogues" by "que, d'une part, les femmes, les enfants, les peuples autochtones, les minorités, les refugiés, les migrants, les personnes qui se livrent au commerce du sexe, d'autre part, les hommes qui sont homosexuels, ainsi que par ailleurs les utilisateurs de drogues". He also proposed the deletion of the words "ne jouissent pas pleinement de leurs droits fondamentaux" in the fourth preambular paragraph after the words "parce qu'elles".

63. Ms. McDougall proposed to amend operative paragraph 3 by replacing the words "women, children, indigenous peoples, minorities, refugees, migrants, sex workers, men who are homosexual, injecting drug users and prisoners;" by "persons suffering from disadvantaged socio-economic or legal status;".

64. Mr. Lindgren Alves proposed to revise the fourth preambular paragraph to read as follows: "Recognizing that groups such as women, children, indigenous peoples, minorities, refugees and migrants, on the one hand, homosexuals, on the other hand, as well as sex workers, injecting drug users and prisoners are more vulnerable to the risk of HIV infection".

65. Statements in connection with the proposed revisions and amendments were made by Mr. Ali Khan, Mr. Bengoa, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Ms. Mbonu and Ms. Warzazi.

66. Ms. McDougall proposed to revise the fourth preambular paragraph to read as follows: "Recognizing that women, children, indigenous peoples, minorities

and such groups as refugees, migrants on the one hand, and on the other hand homosexuals, sex workers, injecting drug users and prisoners are more vulnerable to the risk of HIV infection because they have limited or no access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the HIV/AIDS epidemic,". In connection with this revision, Ms. Warzazi proposed to replace the word "because" by "when".

67. Mr. Ali Khan, Mr. Bengoa, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Joinet and Mr. Lindgren Alves made statements in connection with the above proposals. Mr. El-Hajjé subsequently withdrew as sponsor.

68. Mr. Lindgren Alves then requested a roll-call vote on the draft resolution, as originally submitted. At the request of Ms. Warzazi, a separate vote by show of hands was taken in connection with the phrase "lack of full enjoyment of their fundamental rights and to" in the fourth preambular paragraph. The Sub-Commission decided to delete that phrase by 11 votes to 4, with 6 abstentions.

69. The draft resolution, as amended, was adopted, by roll-call vote, by 13 votes to 2, with 6 abstentions, as follows:

In favour: Mr. Alfonso Martínez, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Weissbrodt and Mr. Yimer.

Against: Mr. Guissé, Ms. Gwanmesia.

Abstaining: Mr. Ali Khan, Mr. Fan Guoxiang, Mr. Khalifa, Mr. Mehedi, Mr. Park, Ms. Warzazi.

70. For the text of the resolution, see chapter II, section A, resolution 1996/33.

Recognition of gross and massive violations of human rights as an international crime

71. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.36, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

72. The decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1996/116.

Traditional practices affecting the health of women and children

73. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.38, sponsored by Mr. Alfonso Martínez,

Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Ms. Gwanmesia, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

74. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/19.

Human rights and terrorism

75. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.40, sponsored by Mr. Chernichenko, Ms. Daes and Mr. El-Hajjé. Mr. Boutkevitch, Ms. Gwanmesia, Mr. Ibarra, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi and Ms. Palley subsequently joined the sponsors.

76. Ms. Warzazi proposed to amend the draft resolution by deleting operative paragraph 3.

77. Mr. Joinet proposed to insert, in operative paragraph 3, after the word "rédiger", the phrase "en conformité avec le principe 2 de la résolution 1992/8 de la Sous-commission sur ses méthodes de travail". The amendment was accepted by the sponsors.

78. Mr. Mehedi proposed to:

(a) Replace, in the seventh preambular paragraph, the word "massacrés" with the word "égorgés" or "mutilés", and to replace the word "circonstance" with the word "raison";

(b) Replace, in operative paragraph 1, the words "et la securité" by "la paix et la securité internationale". The sponsors agreed to drop the word "massacrés" and to accept the other amendments made by Mr. Mehedi.

79. In connection with operative paragraph 1, Ms. Warzazi proposed to replace, after the word "terrorism", the words "as human rights violations aimed at the destruction" by the phrase "regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of annihilation", in accordance with operative paragraph 1 of Commission on Human Rights resolution 1995/43. The amendment was accepted by the sponsors.

80. Ms. Warzazi also agreed to retain operative paragraph 3 with the deletion of the phrase "conformément à la résolution 1995/43 de la Commission des droits de l'homme" after the word "Décide". The proposal was accepted by the sponsors.

81. Statements in connection with the draft resolution and proposed amendments and revisions, were made by Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Lindgren Alves, Mr. Mehedi and Ms. Warzazi.

82. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1996/20.

Democratic society

83. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.43, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Maxim and Mr. Mehedi, which read as follows:

"1996/... Democratic society

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Bearing in mind the fulfilment of its mandate as defined in various resolutions of the Economic and Social Council and of the Commission on Human Rights,

"Pursuing the objectives set forth in the Charter of the United Nations, namely to establish conditions under which justice and equal rights for men and women can be maintained, and to promote social progress and better standards of life in larger freedom,

"Bearing in mind the indissoluble links between the principles enunciated in the Universal Declaration of Human Rights and the foundations of any democratic society,

"Aware that implementation of the principles of the Universal Declaration of Human Rights, such as the principles of human dignity, freedom of opinion, freedom of association and freedom of expression and the right of participation, takes place through the establishment of a democratic society,

"Bearing in mind that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted on 25 June 1993 by the World Conference on Human Rights, state in part I, paragraph 8, that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

"Taking account of the World Plan of Action on Education for Human Rights and Democracy, adopted by the International Congress on Education for Human Rights and Democracy held at Montreal from 8 to 11 March 1993,

"Taking account also of General Assembly resolution 49/30 of 7 December 1994 entitled 'Support by the United Nations system for the efforts of Governments to approach and consolidate new or restored democracies' and recognizing the importance of the Managua Declaration and Plan of Action adopted by the Second International Conference of New or Restored Democracies held in Managua from 4 to 6 July 1994, "_Considering_ that democracy best serves to facilitate individual and collective expression of freedom of opinion,

"_Reaffirming_ that in a democracy the widest participation in the democratic dialogue by all sectors and actors of society must be promoted in order to come to agreements on appropriate solutions to the social, economic and cultural problems of society,

"_Taking account_ of the fact that freedom of opinion and expression is reflected in a democratic society through an electoral system which allows all tendencies, interests and feelings to obtain representation at the level of the executive and legislative power and, therefore, at all levels of power,

"_Fully aware_ that the creation of conditions for a democratic society is essential for the prevention of discrimination and the protection of minorities,

"_Taking account_ of Commission on Human Rights resolution 1995/60 of 7 March 1995, in which the Commission recommended that the Sub-Commission should discuss at its next session ways and means of overcoming obstacles to the consolidation of democratic societies, taking into account the relation between democracy, development and human rights,

"_Having considered_ the subject of democratic society at its forty-eighth session,

"_Having taken into consideration_ the working paper E/CN.4/Sub.2/1996/7 presented by Mr. Osman El-Hajjé, in conformity with its decision 1995/116 of 24 August 1995,

"_Recommends_ that the Commission on Human Rights should appoint Mr. Osman El-Hajjé as Special Rapporteur of the Sub-Commission to identify and list obstacles to democracy, classify them by category of rights and propose solutions for their elimination, and that he should submit a preliminary report on the subject to the Sub-Commission at its forty-ninth session in 1997;

"_Recommends_ that the Commission on Human Rights should adopt the following draft resolution:

> 'The Commission on Human Rights, taking into consideration resolution 1996/... of ... August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the recommendation that it should appoint Mr. Osman El-Hajjé as Special Rapporteur to identify, _inter alia_ a list of obstacles to democracy, classify them by category of rights and propose solutions for their elimination, and that he

> should submit a preliminary report on the subject to the Sub-Commission at its forty-ninth session in 1997, and requests the Secretary-General to provide the Special Rapporteur with the assistance he needs to perform his task.'"

84. At the proposal of the Chairman, and in accordance with its decision 1996/113 of 29 August 1996, the Sub-Commission decided to replace the draft resolution with a draft decision.

85. Statements in this connection were made by Mr. Alfonso Martínez and Mr. Weissbrodt.

86. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/117.

Hostage-taking

87. At its 35th meeting, on 29 August 1996, the Chairman read out the following declaration on behalf of the Sub-Commission:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities, considering the declaration of the Sub-Commission at its forty-seventh session relating to the kidnapping and murder of hostages, reiterates its strongest condemnation of these practices, and emphasizes that hostage-taking of any sort constitutes not only a heinous crime but also, in situations of armed conflict, a violation of the applicable humanitarian standards.
>
> "The Sub-Commission again urges all organizations that use such barbaric methods for political gain to cease immediately this vile practice and unconditionally set free all the persons they are holding."

VI. ELIMINATION OF RACIAL DISCRIMINATION: (a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

88. The Sub-Commission considered item 5 together with items 17, 18 and 20 (see chap. XVIII, XIX, XXI) at its 8th to 12th and 27th and 35th meetings, on 12 to 14 and on 23 and 29 August 1996.

89. For the list of documents issued under item 5, see annex VI to the present report.

90. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Boutkevitch (8th), Mr. Chernichenko (10th), Mr. Guissé (10th), Mr. Khalifa (10th), Mr. Lindgren Alves (10th), Ms. McDougall (11th), Mr. Mehedi (8th), Ms. Palley (10th).

91. Statements were made by the observers for: Cuba (9th), Iran (Islamic Republic of) (9th), Poland (11th), Romania (9th), Turkey (11th).

92. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (11th), Centre Europe-Tiers Monde (11th), International Association against Torture (11th), International Association of Educators for World Peace (9th, 10th), International Association of Jewish Lawyers and Jurists (9th), International Council of Jewish Women (8th), International Institute for Non-Aligned Studies (9th), International Institute for Peace (9th), International Movement against All Forms of Discrimination and Racism (8th), International Progress Organization (9th), International Work Group on Indigenous Affairs (8th), Movement against Racism and for Friendship among Peoples (9th), Society for Threatened Peoples (8th), Survival International (9th), Transnational Radical Party (8th).

Joint meeting of the Bureau of the Committee on the Elimination of Racial Discrimination and of the Bureau of the Sub-Commission

93. On 15 August 1996, the Bureau of the Committee on the Elimination of Racial Discrimination and the Bureau of the Sub-Commission held a joint meeting.

94. At its 26th meeting, on 23 August 1996, the Sub-Commission agreed that a working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination would be undertaken by two representatives of the Sub-Commission and two representatives of the Committee on the Elimination of Racial Discrimination.

95. At its 35th meeting, on 29 August 1996, the Sub-Commission adopted, without a vote, a draft decision on the matter. For the text of the decision, see chapter II, section B, decision 1996/120; see also chapter IV, paragraphs 48 and 49.

Racism and racial discrimination

96. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.22, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

97. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/8.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

98. The Sub-Commission considered item 6 at its 2nd to 5th, 7th, 8th and 19th to 22nd meetings on 6 to 9, 12, 19 and 20 August 1996.

99. For the list of documents issued under item 6, see annex IV to the present report.

100. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Attah (5th), Mr. Bengoa (2nd), Mr. Bossuyt (3rd), Mr. Boutkevitch (7th), Mr. Chernichenko (8th), Ms. Daes (7th), Mr. El-Hajjé (7th), Mr. Fan Guoxiang (4th), Mr. Guissé (4th), Mr. Ibarra (5th), Mr. Joinet (7th), Mr. Khalifa (4th), Mr. Lingdren Alves (7th), Ms. Palley (8th), Ms. Warzazi (5th).

101. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (5th), African Commission of Health and Human Rights Promoters (5th), Afro-Asian People's Solidarity Organization (5th), American Association of Jurists (7th), Arab Lawyers Union (7th), Arab Organization for Human Rights (4th), Baha'i International Community (2nd), Centre Europe - Tiers Monde (4th), Christian Solidarity International (5th), France Libertés: Fondation Danielle Mitterrand (5th), International Association of Democratic Lawyers (4th), International Association of Educators for World Peace (5th), International Commission of Jurists (2nd), International Educational Development, Inc. (4th), International Falcon Movement-Socialist Educational International (7th), International Federation for the Protection of Ethnic, Religious, Linguistic and other Minorities (2nd), International Federation of Action by Christians for the Abolition of Torture (4th), International Federation of Human Rights Leagues (4th), International Human Rights Association of American Minorities (4th), International Indian Treaty Council (4th), International Institute for Non-Aligned Studies (5th), International Institute for Peace (5th), International League for the Rights and Liberation of Peoples (4th), International Movement against All Forms of Discrimination and Racism (3rd), International Peace Bureau (7th), International Progress Organization (7th), International Service for Human Rights (2nd), International Work Group for Indigenous Affairs (2nd, 4th), Inter-Parliamentary Union (7th), Latin American Federation of Associations of Relatives of Disappeared Detainees (5th), Liberation (2nd), Movement against Racism and for Friendship Among Peoples (4th), Pax Christi International (2nd), Pax Romana (3rd), Society for Threatened Peoples (2nd), Survival International (4th), Transnational Radical Party (5th), War Resisters International (7th), World Christian Life Community (7th), World Federation of Democratic Youth (4th), World Muslim Congress (2nd), and World Organization against Torture (2nd).

102. The Sub-Commission heard statements by the observers for Albania (8th), China (7th), Colombia (7th), Cyprus (3rd), Egypt (3rd), Indonesia (8th), Iran (Islamic Republic of) (8th), Iraq (3rd), Israel (8th), Mexico (8th), Pakistan (8th), Portugal (7th), Sri Lanka (4th), the Syrian Arab Republic (3rd), Tunisia (7th), and Turkey (4th).

103. The Sub-Commission also heard a statement by the observer for Palestine (7th). Statements equivalent to a right of reply were made by the observers for Algeria (3rd), Cyprus (8th), Iraq (8th), Mexico (3rd), Morocco (5th), Nigeria (8th), the Sudan (8th), the Syrian Arab Republic (8th) and Turkey (8th).

Voting on proposals under agenda item 6

104. At its 19th meeting, on 19 August 1996, statements in connection with the voting procedures under item 6 were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Joinet.

105. At the same meeting, Mr. Bossuyt proposed that a decision be taken by the Sub-Commission concerning voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries. Mr. Alfonso Martínez made a statement relating to the proposal.

106. The decision, as orally proposed by Mr. Bossuyt, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/105.

Situation in the Middle East

107. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.2, sponsored by Mr. Ali Khan, Mr. Bossuyt, Ms. Daes, Mr. Fix Zamudio, Mr. Maxim, Ms. Palley, Mr. Park, Mr. Weissbrodt and Mr. Yokota. Mr. El-Hajjé and Mr. Mehedi subsequently joined the sponsors.

108. Mr. Weissbrodt orally revised the draft resolution by deleting, at the end of operative paragraph 5, the phrase "on issues including Jerusalem, refugees, settlements, security arrangements, borders, relation and cooperation with other neighbours, and other issues of common interest;"..

109. The draft resolution, as revised, was adopted without a vote. Statements after the vote were made by Mr. Alfonso Martínez, Mr. Guissé and Mr. Khalil.

110. For the text of the resolution see chapter II, section A, resolution 1996/1.

Situation in the Palestinian and other Arab territories occupied by Israel

111. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.3, sponsored by Mr. Alfonso Martínez, Mr. El Hajjé, Mr. Guissé and Mr. Mehedi.

112. Mr. Weissbrodt orally proposed to amend the draft resolution as follows:

(a) Insert a new eighth preambular paragraph to read:

"concerned at emerging human rights violations of Palestinians living in the territories administered by the Palestinian Authority.";

(b) Insert a new operative paragraph 11 to read:

"11. Calls upon the Palestinian Authority:

"(a) To comply with all current international norms in the field of human rights, particularly relating to (i) freedom of expression, (ii) treatment of detainees, and (iii) administration of justice;

"(b) To provide greater access to its prisons and interrogators through international organizations;

"(c) To continue its cooperation with the advisory services offered by the Centre for Human Rights with a view to fostering human rights institutions."

113. Statements in connection with the draft resolution and amendment were made by Mr. Alfonso Martínez, Mr. El-Hajjé, Mr. Guissé and Mr. Joinet.

114. Mr. Weissbrodt proposed to revise his amendment by replacing, in the new eighth preambular paragraph, the words "emerging human rights" by the words "reports of human rights".

115. At the proposal of Mr. El-Hajjé, Mr. Guissé, Mr. Joinet and Ms. Warzazi, consideration of the draft resolution was postponed.

116. At the 20th meeting, on 20 August 1996, the Sub-Commission resumed consideration of the draft resolution. Mr. El-Hajjé announced that agreement had been reached to replace all the amendments proposed by Mr. Weissbrodt with one new operative paragraph 10 and to renumber the subsequent paragraphs accordingly. In this connection, statements were made by Mr. Alfonso Martínez, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil and Mr. Weissbrodt.

117. The observer for the Syrian Arab Republic made a statement.

118. At the request of Mr. Weissbrodt, a vote was taken by secret ballot. The resolution, as amended and revised, was adopted by 15 votes to 4, with 5 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/6.

119. The observer for Israel made a statement. Statements were also made by Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Gwanmesia, Mr. Joinet, Ms. Palley and Ms. Warzazi.

Situation of human rights in Kosovo

120. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.4, sponsored by Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Mehedi and Mr. Weissbrodt.

121. Mr. El-Hajjé orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, delete subparagraph (e) which read: "Que de toute évidence, la situation au Kosovo s'est déteriorée au cours des derniers mois, ce qui constitute une menace pour la paix dans la région";

(b) In operative paragraph 6, replace the phrase "Engage les organes de l'ONU compétents à ne pas" by "Demande aux Etats Membres de l'ONU de";

122. Mr. Weissbrodt further revised the draft resolution by adding at the end of operative paragraph 2 (a) the phrase "and to apply all other legislation without discrimination;" and by deleting operative paragraph 6.

123. Ms. Warzazi orally amended the draft resolution by replacing, in operative paragraph 2 (a) of the French version, the word "rapporter" by "abroger".

124. Statements in connection with the above revisions and amendments were made by Mr. Bossuyt, Mr. Chernichenko and Mr. Guissé.

125. At the request of Mr. Alfonso Martínez, a vote by secret ballot was taken. The draft resolution, as revised and amended, was adopted by 15 votes to 4, with 5 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/2.

Country review methods

126. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.5, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Ms. Palley and Mr. Weissbrodt, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> "Mindful of Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 in which the Commission decided to give annual consideration to the item entitled 'Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories', requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare, for the use of the Commission in its examination of the question of violations of human rights and fundamental freedoms, a report containing information on

violations of human rights and fundamental freedoms from all available sources, and invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country,

"Mindful also of Economic and Social Council resolution 1235 (XLII) of 6 June 1967 in which it welcomed the decision of the Commission on Human Rights to give annual consideration to the item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories" and authorized the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with the provisions of paragraph 1 of the Commission's resolution 8 (XXIII), to examine information relevant to gross violations of human rights and fundamental freedoms,

"Recalling its resolution 1992/8 of 26 August 1992, in which it decided to annex the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66 which stipulated that the Secretariat should provide comparative tables showing the number of resolutions and decisions submitted by the Sub-Commission to the Commission on Human Rights and the Economic and Social Council to promote self-discipline to reduce the number of resolutions and decisions,

"Recalling also its decision 1995/115 of 24 August 1995, in which it decided to consider at its forty-eighth session how best to carry out its mandate in examining item 6 of its agenda concerning violations of human rights and fundamental freedoms, while taking into account all reliable sources, including the information contained in the reports of special rapporteurs and chairmen-rapporteurs of working groups of the Commission on Human Rights, and requested the Secretariat to make those reports available to the experts who requested them,

"Recalling further Commission on Human Rights resolution 1996/25 of 19 April 1996 in which the Commission reaffirmed that one of the tasks of the Sub-Commission was to undertake a thorough examination of information concerning alleged human rights violations, in accordance with its mandate, as well as the presentation of the results of the examination to the Commission, and invited the Sub-Commission to continue to give due regard to new developments in the field of human rights,

"Having considered the annual reports of the Commission's thematic special rapporteurs, special representatives and working groups,

"1. Requests the Secretariat to continue to make available annually the thematic reports submitted to the Commission on Human Rights, for review by the Sub-Commission;

"2. Decides to request its Chairman to appoint, from among its members, two special rapporteurs to submit, at the forty-ninth session, a brief written and/or tabular report pursuant to Economic and Social Council resolution 1235 (XLII) on the countries which are featured in the thematic reports and other relevant materials, for use by the Sub-Commission and the Commission on Human Rights;

"3. Requests the two special rapporteurs, in preparing their report, to consider such factors as:

"(a) The extent to which each country is discussed or is of concern in the thematic reports;

"(b) The types and number of communications to and from each country;

"(c) The degree of cooperation received from each Government;

"(d) The actions taken by the thematic rapporteur or working group;

"(e) The country-specific observations and conclusions presented in the thematic reports of the Commission;

"(f) Whether there has been an increase or decrease in the severity of the situations in each country as indicated in the thematic reports of the Commission over the three years 1997, 1996 and 1995;

"4. Decides for the purposes of its forty-ninth session to take appropriate action on particular countries only if those countries are not already on the agenda of the Commission on Human Rights;

"5. Requests the Secretary-General to provide the two special rapporteurs with all necessary assistance for the accomplishment of their mandate;

"6. Decides to determine at its forty-ninth session how best to utilize the thematic reports and other relevant materials and the report of the two special rapporteurs so as to undertake a thorough examination of information concerning alleged human rights violations and to give due regard to new developments in the field of human rights under the agenda item on the question of the violation of human rights and fundamental freedoms;

"7. Recommends the following draft decision to the Commission on Human Rights for adoption:

'The Commission on Human Rights, recalling its resolution 8 (XXIII) of 16 March 1967 and resolution 1992/8 of 26 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and taking note of Sub-Commission resolution 1996/... of ... August 1996, endorses the decision of the

Sub-Commission to request its Chairman to appoint, from among its members, two special rapporteurs to submit, to the forty-ninth session of the Sub-Commission, a brief written and/or tabular report on the countries which are featured in the thematic reports over the three years 1997, 1996 and 1995, together with other relevant materials. The Commission recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, recalling its resolution 1235 (XLII) of 6 June 1967 and Commission on Human Rights resolution 8 (XXIII) of 16 March 1967 and taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1996/... of ... August 1996, approves the endorsement by the Commission of the request of the Sub-Commission to its Chairman to appoint, from among its members, two special rapporteurs to submit to the forty-ninth session of the Sub-Commission, a brief written and/or tabular report on the countries which are featured in the thematic reports over the three years 1997, 1996 and 1995, together with other relevant materials."'"

127. Mr. Bossuyt proposed to postpone consideration of the draft resolution. In this connection, statements were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Fan Guoxiang, Mr. Guissé, Mr. Khalifa, Mr. Lindgren Alves, Ms. Mbonu and Mr. Yimer.

128. Mr. Bossuyt, on behalf of the sponsors, withdrew the draft resolution.

Situation of human rights in Rwanda

129. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.6, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Weissbrodt and Mr. Yimer.

130. Mr. Bossuyt orally revised the draft resolution by adding, in operative paragraph 8, the word "volontaire".

131. Ms. Warwazi made a statement in connection with the draft resolution.

132. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/3.

Situation of human rights in Burundi

133. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.7, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes and Mr. Joinet.

134. Mr. Bossuyt orally revised the draft resolution as follows:

(a) In the eighth preambular paragraph, delete after the words "la vie publique burundaise," the words "qui avait mené aux premières élections libres tenues en 1993,";

(b) In operative paragraph 1, replace the phrase "Prend note de la transmission, au Conseil de sécurité," to "Accueille favorablement la publication autorisée par le Conseil de sécurité";

(c) In operative paragraph 2, replace the phrase "Estime que la publication sans délai de ce rapport doit permettre d'écarter" by "Espère que la publication de ce rapport conduira à écarter".

135. At the suggestion of Ms. Warzazi, Mr. Bossuyt, on behalf of the sponsors, agreed to delete the sixth preambular paragraph and to replace, in operative paragraph 5, the phrase "S'inquiète des sanctions économiques frappant le Burundi, qui risquent de compromettre" by "Formule l'espoir que les sanctions économiques frappant le Burundi ne compromettront pas".

136. Mr. Guissé and Mr. Yimer made statements in connection with the draft resolution.

137. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/4.

Situation of human rights in Iraq

138. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.8, sponsored by Mr. Bossuyt, Ms. Palley and Mr. Weissbrodt.

139. A statement was made by the observer for Iraq. Ms. Warzazi also made a statement.

140. At the request of Mr. Alfonso Martínez, a vote by secret ballot was taken. The resolution was adopted by 11 votes to 6, with 7 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/5.

Situation of human rights in the Islamic Republic of Iran

141. At its 19th meeting, on 19 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.9/Rev.1 sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Palley and Mr. Weissbrodt.

142. A statement relating to the draft resolution was made by Ms. Mbonu.

143. Mr. Joinet orally amended the text by replacing, in the sixth preambular paragraph, the word "allegations" by "reports", and by deleting, in operative paragraph 1, the word "alleged" before "violations of human rights". The amendments were accepted by the sponsors. Ms. Palley subsequently withdrew as sponsor.

144. Mr. Weissbrodt also revised the text by replacing, in the seventh preambular paragraph, the word "murders" by "killings".

145. Statements were made by Mr. Alfonso Martínez Mr. Joinet and Mr. Lindgren Alves. The observer for the Islamic Republic of Iran also made a statement.

146. At the proposal of the Chairman, consideration of the draft resolution was postponed.

147. At its 21st meeting, on 20 August 1996, the Sub-Commission resumed consideration of the draft resolution. Mr. Bossuyt orally revised the draft resolution as follows:

(a) Insert a new fifth preambular paragraph reading: "Expressing the hope that the atmosphere for change mentioned by the Special Representative during his last visit to the Islamic Republic of Iran will result in marked relevant improvements in the situation of human rights in the country by the time of his next scheduled visit;"

(b) Replace, in the sixth preambular paragraph, the word "allegations" by "reports", as proposed by Mr. Joinet at the 19th meeting;

(c) Replace, in the seventh preambular paragraph of the English text, the word "murders" by "killings", as proposed by Mr. Weissbrodt at the 19th meeting;

(d) Maintain the text of operative paragraph 1 unchanged;

(e) Insert a new operative paragraph 7, reading "Encourages the Government of the Islamic Republic of Iran to pursue its cooperation with the special procedures of the Commission on Human Rights and especially with the Special Representative of the Commission on the human rights situation in the Islamic Republic of Iran;". Ms. Palley subsequently joined the sponsors.

148. In connection with these revisions, Ms. Warzazi proposed that the new fifth preambular paragraph become new operative paragraph 5 and that the subsequent paragraphs be renumbered accordingly.

149. Statements relating to the revised draft resolution were made by Mr. Alfonso Martínez, Mr. Bengoa and Mr. Chernichenko. The observer for the Islamic Republic of Iran also made a statement.

150. At the request of Mr. Alfonso Martínez, a vote was taken by secret ballot. The resolution, as revised and amended, was adopted by 12 votes to 6, with 6 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/7.

Monitoring the transition to peace in Guatemala

151. At its 20th meeting, on 20 August 1996, the Chairman introduced a draft decision on monitoring the transition to peace in Guatemala.

152. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/106.

153. In accordance with the decision adopted, the Chairman issued the following statement on the situation of human rights and progress of the peace process:

"Situation of human rights and progress of the peace process in Guatemala

"As recently decided, the Sub-Commission on Prevention of Discrimination and Protection of Minorities has authorized me to issue, under agenda item 6, a declaration on the situation of human rights in Guatemala and the progress of the peace process. The content of the text is the outcome of discussions between the Government of Guatemala and the Guatemalan opposition, in which the experts Miguel Alfonso Martínez, Alberto Diaz Uribe and Louis Joinet participated.

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Takes note with satisfaction of the general elections which were held on 12 November 1995, and particularly the participation, for the first time since 1954, of sectors which had been traditionally marginalized, and of the second round of elections of 7 January 1996 which led to the election of Mr. Alvaro Arzu as President of the Republic, strengthening the political system of the country, with the support of all political and social groups,

"Expresses the hope that, through the reform of the electoral law, an item pending in the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), it will be possible to overcome the high levels of abstentions and the lack of participation by the population, a consequence, inter alia, of the inadequacies in the list of residents and limited access and transportation, particularly affecting the rural population, observed during the 1995 electoral process,

"Welcomes the formation of a multi-party Congress with qualitatively significant participation by indigenous representatives and human rights defenders, as well as the installation of many local governments which meet more fully the expectations of the population,

"Commends the measures of military and political détente unprecedented in the history of the internal armed confrontation, adopted by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), particularly the suspension of offensive military operations and of the collection of the war tax by the URNG, as well as the order by the President to the army of Guatemala to cease counter-insurgency operations, thereby generating a climate conducive to the negotiating process towards peace and political pluralism,

"Takes note with great satisfaction that the repeated request to the Government of Guatemala made by the Sub-Commission and by national human rights organizations, both State and non-governmental, as well as by civil society, for the dismantling of the voluntary civil self-defence committees has received a favourable response and congratulates the Government of Guatemala on the implementation of the time-table for their dismantling and disarming as well as on the completed dismantling of those committees in Coltenango, Barranca and Xemal,

"Welcomes the signing by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) of the Agreement on Socio-Economic Aspects and the Agrarian Situation, on 6 May 1996, which contains provisions for confronting the serious social and economic problems of the country,

"Expresses its satisfaction at the undertaking of the parties, indicated in the joint statement by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), of 6 August 1996, to take up the items pending in the negotiations and to deal with them with the thoroughness and conscientiousness called for by the signing of the firm and lasting peace agreement as well as to continue the process in the course of 1996,

"Recognizes the importance of the work of the United Nations moderator, the Group of Friendly Countries and Civil-Society Assembly in the negotiating process towards peace,

"Expresses its satisfaction at the change brought about in human rights policy by the restructuring of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH), designed especially to encourage activities to prevent future violations of human rights as well as to shed light on events and bring those responsible for violations of human rights to justice,

"Recognizes the effective contribution of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) in the international monitoring of the Comprehensive Agreement on Human Rights and in the efforts to combat violations of human rights and impunity, also made by the independent expert for Guatemala of the Commission on Human Rights,

"Expresses its concern that the reports on the situation of human rights in Guatemala by the independent expert (E/CN.4/1996/15) of 5 December 1995, of MINUGUA (March and June 1996) and of the Office of the Human Rights Procurator continue to indicate that serious violations of human rights persist, despite the measures taken by the new Government of Guatemala, without implying that those violations are a consequence of the existence of a State policy of the current Government systematically to violate human rights,

"Also expresses its concern at the fact that, despite the presence and advice of MINUGUA and of the independent expert, as well as the declarations and actions of the Government in this regard, insufficient flexibility for making progress in the investigations and judicial proceedings, as well as the limitations of the judicial system in bringing to justice those materially and intellectually responsible for human rights violations, means that the problem of the impunity of such persons persists,

"Welcomes the ratification and deposit of ILO Convention No. 169, expresses the hope that, with the full implementation of that instrument and of the Agreement on the Identity and Rights of Indigenous Peoples, signed by the parties in March 1995, an end will be put to the marginalization and discrimination of which the indigenous peoples of Guatemala are victims,

"Expresses its concern at the situation of displaced people, at the difficult conditions facing returnees and refugees, most of them Mayan, who are furthermore affected by the constant increase in poverty, and recognizing at the same time that the initiatives of the Government of Guatemala with the creation and/or development of the funds of the social programmes and the implementation of the 1992 Agreement between the Government of Guatemala and the refugees have initiated an improvement in the situation of these peoples,

"Convinced that following the signing of a firm and lasting peace, with the implementation of the relevant agreements between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), a substantial improvement will be achieved in the civil, political, economic, social and cultural rights of all Guatemalans,

"Hoping that, upon completion of the agenda of negotiation, the agreement on a firm and lasting peace will shortly be signed, that all the agreements signed will be made fully effective and that the international community and the national groups will provide the economic resources essential to overcoming the deep crisis of the State and Guatemalan society,

"Expresses its firm support for the process of negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), and expresses its appreciation to the United Nations moderator, the Group of Friendly Countries and the Civil-Society Assembly for their efforts to bring about a firm and lasting peace,

"Expresses its satisfaction at the signing of the Agreement on Socio-economic Aspects and the Agrarian Situation, which contains commitments to overcome the country's grave social and economic crisis and seek the development of all Guatemalans, as well as at the progress achieved in the discussion of the agenda issues still pending, in particular with regard to the demilitarization of the State and society of Guatemala,

"Reiterates its appreciation and support for the independent expert appointed to report on the situation of human rights in Guatemala, "Also reiterates its appreciation and support to MINUGUA for the work of verification of the Comprehensive Agreement on Human Rights and for the institution-building activities in the field of human rights that it has carried out in implementation of that agreement since its establishment,

"Expresses its deepest concern that, notwithstanding the entry into force of the Comprehensive Agreement on Human Rights as of March 1994 and the presence of MINUGUA in Guatemala since November 1994, as well as the measures taken by the new Government, grave violations of human rights continue, which affect the right to life, the right to integrity and security of person and the right to freedom, without implying that those violations are a consequence of a State policy of the current Government systematically to violate human rights,

"Recognizes the changes made in the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, and in the human rights policy of the Executive, as an important and positive step aimed at reinforcing implementation of the commitments made in the Comprehensive Agreement on Human Rights,

"Takes note of the measures adopted by the Government of Guatemala to guarantee that the justice system can act with proper independence and effectiveness, such as the reform and purging of the police and the strengthening of the Government Procurator's Office, and encouraging the Government to intensify its efforts in this respect, guaranteeing that the judicial system can afford proper protection for judges, investigators, witnesses and victims' relatives, to which the recent creation of a special police force for that purpose is contributing,

"Urges the Government of Guatemala to continue to facilitate the activities of human rights organizations, both official and non-governmental, and to contribute effectively to the historical elucidation of the violations of human rights and the acts of violence which have caused suffering to the Guatemalan population, being combined with armed confrontation, as well as providing compensation and/or assistance to the victims, in conformity with the peace agreements,

"Takes note with satisfaction of the measures adopted by the Government of Guatemala to improve the situation of human rights and the political climate, as well as the political will to combat impunity, in particular the decisions to suspend the army's counter-insurgency operations, submit the legislative initiative to modify the military courts, already approved by the Congress of the Republic, and initiate the relevant measures for the implementation of that law,

"Expresses its great satisfaction at the decision of the Government of Guatemala to demobilize and disarm the voluntary civil self-defence committees, a process that began on 9 August of this year and should be completed before 15 November 1996, and urges the relevant bodies to arrange for the registration of former patrol members and weapons, and the bringing to justice of those involved in serious violations of human rights,

"Takes note with satisfaction of the measures adopted by the Unidad Revolucionaria Nacional Guatemalteca (URNG) to cease offensive military actions and suspend the collection of the war tax and encourages it to continue to contribute to creating the climate most conducive to achieving peace,

"Requests the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), given that the State and society of Guatemala have suffered a broad and deep process of militarization, aggravated by armed internal confrontation, to define a new role for the Guatemalan army based on the pre-eminence of the civil power and the subordination of the military power to it,

"Requests the Government of Guatemala, in the light of the Agreement on Socio-economic Aspects of the Agrarian Situation, to ensure that its decisions in this respect improve the still difficult conditions of workers and peasants and give priority to increasing economic and social development programmes, in particular policies and programmes relating to indigenous peoples, with the full participation of representatives of those peoples, taking into account their proposals and criteria, in the light of the provisions of the Agreement on Identity and Rights of Indigenous Peoples and ILO Convention No. 169,

"Invites the State of Guatemala to adopt executive and legislative measures to promote the full exercise of the economic, social and cultural rights of all Guatemalans and particularly to apply policies to bring about an increase in employment, an increase in the standard of living of rural populations, social security and a qualitative and quantitative improvement in health, education and housing,

"Requests the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca (URNG) to intensify their efforts to guarantee that all the provisions of the Comprehensive Agreement on Human Rights and the provisions on human rights contained in the Agreement on Identity and Rights of Indigenous Peoples are fully implemented, to act on the recommendations of MINUGUA and the independent expert and to consider giving immediate effect to the most urgent points contained in the other agreements,

"Calls on the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) to continue the process of negotiation in depth and rapidly with a view to concluding it to the satisfaction of the population in the current year; on the Secretary-General of the United Nations to provide his good offices and the necessary means to finalize this process; on the Group of Friendly Countries to continue to extend its firm support and provide for short-and medium-term needs; and on the Civil-Society Assembly to continue to participate in the process and, in agreement with the parties, to define its participation at the ultimate stage in the signing of the peace agreement,

"Requests the Secretary-General to propose for the consideration of the General Assembly the continuation of the present mandate and functions of MINUGUA, and submit to the relevant bodies the specific formula for providing additional international verification of compliance with all the other agreements and to ensure that necessary and sufficient financial resources can be made available,

"Requests the Commission of the European Union, the International Organization for Migration, the Organization of American States, the United Nations system and all possible donors to provide such economic and operational support as may be requested by the parties, the moderator of the negotiations and/or the international verification mechanism for all the agreements, so that the provisions contained in the agreement on a firm and lasting peace are fully implemented,

"Requests in particular the Centre for Human Rights to provide every possible support and advice in the field of human rights, giving special attention to strengthening the organizations concerned with the defence, protection and promotion of human rights, both official and non-governmental, and takes note of the negotiations currently under way between the Government of Guatemala and the Centre for Human Rights aimed at establishing a programme of national capacity-building in the field of human rights,

"Urges the international community to consider extending the economic and political support that will be needed by Guatemala in the phase of peace-building, including channels for direct support to indigenous communities, to enable them to overcome marginalization and long-standing discrimination, as well as to other vulnerable segments of the Guatemalan population."

154. In this connection, statements were made by the observer for Guatemala and by a representative of the Unidad Revolucionaria Nacional Guatemalteca (URNG). The following members also made statements: Mr. Alfonso Martínez, Mr. Chernichenko, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Ms. Palley and Ms. Warzazi.

Situation of human rights in Turkey

155. At its 21st meeting, on 20 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.12, sponsored by Mr. Bengoa, Mr. Bossuyt and Ms. Daes, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the

International Covenants on Human Rights and the other relevant international instruments pertaining to human rights and international humanitarian law,

"*Preoccupied* by:

"(a) The information noting the persistence of many cases of extrajudicial execution, arbitrary detention, enforced disappearance and torture, attributable to the Turkish armed forces;

"(b) The death of 12 prisoners following a hunger strike undertaken in order to obtain better conditions in Turkish prisons;

"(c) The renewed outbreak of attacks on the freedom of opinion and expression, specifically by the banning of political parties, publications and newspapers, as well as by the assassination or the sentencing to terms of imprisonment of journalists, intellectuals and members of the Grand National Assembly, on the grounds of their political opinions;

"(d) The human rights violations committed in the context of the military operations conducted by the Turkish armed forces against Kurdish civilian populations of the south-east of Turkey, particularly by the large-scale destruction of villages, the displacement of several million persons in that region and the humanitarian consequences arising therefrom,

"*Noting with concern* the destruction of villages and the flight of the populations in consequence of the invasion and the incursion of Turkish armed forces in Iraqi Kurdistan or the bombing raids carried out by them, and the maintenance of a zone not accessible to the Iraqi population,

"*Also noting with concern* the restrictions imposed on the Kurdish population of Iraq in respect of humanitarian aid, in violation of Security Council resolution 688 (1991), of 5 April 1991,

"1. *Condemns* the human rights violations and, in particular, the acts of torture, the arbitrary detections, the summary or arbitrary executions and the enforced disappearances attributable to the armed forces;

"2. *Regrets* that the military actions conducted in the south-east of Turkey and in Iraqi Kurdistan by the Turkish armed forces continue to cause civilian casualties and have brought about the destruction of several thousand villages;

"3. *Reminds* the parties to the conflict of their obligations under common article 3 of the Geneva Conventions of 12 August 1949, concerning the protection of civilians in armed conflicts not of an international character;

> "4. _Urges_ the Government of Turkey to ensure respect for the freedom of opinion and expression, and in particular that of intellectuals, journalists and members of the Grand National Assembly;
>
> "5. _Requests_ the Turkish Government to invite the Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the Working Group on Enforced or Involuntary Disappearances to carry out a mission in Turkey;
>
> "6. _Decides_ to continue to examine the situation of human rights in Turkey at its forty-ninth session".

156. Mr. Bossuyt orally revised the text as follows:

(a) Delete, in the second preambular paragraph, subparagraph (a), the words "persistence of many" before the word "cases" and replace the words "armed forces" by "Government";

(b) Replace, in the second preambular paragraph, subparagraph (c), the words "renewed outbreak of attacks on the" by "continued problems concerning";

(c) Delete subparagraph (d) of the second preambular paragraph;

(d) Delete the third preambular paragraph;

(e) Replace, in operative paragraph 1, the word "_Condemns_" by "_Expresses concern_ about";

(f) Delete operative paragraphs 2 and 3 and renumber the subsequent paragraphs accordingly.

157. Statements were made by Ms. Palley. The observer for Turkey also made a statement.

158. At the request of Ms. Warzazi, a vote was taken by secret ballot. The draft resolution, as revised, was rejected by 12 votes to 9, with 3 abstentions.

Situation of human rights in Colombia

159. At its 21st meeting, on 20 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.13, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Joinet and Mr. Weissbrodt, which read as follows:

> "_The Sub-Commission on Prevention of Discrimination and Protection of Minorities_,
>
> "_Guided_ by the purpose and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the international Covenants on Human Rights, the Geneva Conventions of 12 August 1949, and the Additional Protocols of 1977 thereto,

"Recalling its resolution 1995/6 of 18 August 1996 in which it recommended that the Commission on Human Rights consider the evolution of the situation in Colombia by examining the measures taken by the Government to implement the recommendations made by the thematic rapporteurs and by the Working Group on Enforced or Involuntary Disappearances,

"Taking note of the statement on the situation in Colombia made by the Chairperson of the Commission on Human Rights on 23 April 1996, in which the Commission requested that a permanent office of the United Nations High Commissioner for Human Rights be established in Colombia as soon as possible, with the double mandate of assisting the authorities and supervising the human rights situation in the country, the supervision to be carried out through the observation of human rights violations with analytical reports to be sent to the High Commissioner, who was requested to present a report on the fulfilment of that mandate to the Commission,

"Taking note also that the Commission on Human Rights, on the basis of the reports presented by the thematic rapporteurs, working groups and the recommendations made by the United Nations treaty bodies concerning Colombia, manifested, through the statement of its Chairperson, a deep concern at the serious violations of the right to life, the large number of cases of forced disappearances and the persistence of the practice of torture by State agents, expressed its total dissatisfaction with the alarming level of impunity that protects the perpetrators of these violations and took note of the need to strengthen the rule of law in the country by excluding gross human rights violations from the jurisdiction of military courts and limiting the competence of the regional justice system in order to ensure full respect for internationally recognized judicial guarantees,

"Cognizant of the need to provide a follow-up to the Chairperson's statement and the agreement between the Government of Colombia and the United Nations High Commissioner for Human Rights,

"Concerned by the persistence of the internal armed conflict, as well as the consequences of the war for the civilian population, and by the gross and continuous violations of international humanitarian law by both State agents and guerrilla groups, the latter of which continue to carry out prohibited practices such as kidnapping,

"Recalling the will to cooperate with the mechanisms and experts of the United Nations demonstrated by the Government of Colombia,

"Conscious that it is essential to put and end to the grave human rights situation in Colombia, "1. Welcomes the acceptance by the Government of Colombia of the statement of the Chairperson of the fifty-second session of the Commission on Human Rights and urges the Government to comply fully and promptly with its terms;

"2. Expresses its concern at the fact that the agreement between the Government of Colombia and the United Nations High Commissioner for Human Rights that would allow a permanent office of the High Commissioner to be established in the country has yet to be signed;

"3. Expresses its deep concern that the gross and systematic violations of human rights and the extremely high levels of impunity accompanying such violations have persisted without substantial change and that the internal armed conflict has continued with the same tragic consequences for the civilian population resulting from the constant violation of international humanitarian law by both parties to the conflict;

"4. Urges that a permanent office of the High Commissioner for Human Rights be established in Colombia as soon as possible, in accordance with the terms of the statement of the Chairperson of the Commission on Human Rights, and that the analytical and public reports on the implementation of its mandate be submitted and examined by the Commission at its fifty-third session in 1997, with particular focus on the monitoring of the human rights situation in the country."

160. Mr. Bengoa orally revised the draft resolution as follows:

(a) Delete, in the third preambular paragraph, the words "y de supervisar la situación de los derechos humanos en el país; que se realizase esa supervisión mediante" and replace the words "la observación de" by "de observar";

(b) Replace, in the fifth preambular paragraph of the Spanish version, the word "refugiados" by "derechos humanos";

(c) Insert, in the sixth preambular paragraph of the Spanish version, before the words "cuales persisten" the words "últimos de los";

(d) Add, at the end of operative paragraph 2, the words "y espera que se lo haga lo antes posible;";

(e) Replace, in operative paragraph 4, the words "con referencia especial a la supervisión de la situación de" by the phrase "a fin de facilitar la observación de las violaciones de los".

161. Mr. Guissé requested the withdrawal of the draft resolution. The request was not accepted by the sponsors. Statements were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Chernichenko, Ms. Daes, Mr. El-Hajjé, Mr. Joinet, Mr. Lindgren Alves and Ms. Palley.

162. Ms. Warzazi proposed to amend the draft resolution by deleting the fourth, fifth and eighth preambular paragraphs and operative paragraphs 2 and 3.

163. In accordance with article 65 (2) of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Guissé proposed a motion that no action be taken on the draft resolution.

164. Statements in connection with the above proposals were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Guissé, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley and Ms. Warzazi.

165. At the proposal of Mr. Guissé, consideration of the draft resolution was postponed.

166. At its 22nd meeting, on 21 August 1996, the Sub-Commission resumed consideration of the draft resolution. Mr. Bengoa made a statement and, on behalf of the co-sponsors, withdrew the draft resolution.

167. A statement in this connection was made by the observer for Colombia. Statements were also made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Guissé.

Humanitarian situation in Iraq

168. At its 21st meeting, on 20 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.14, sponsored by Mr. Ali Khan, Ms. Attah, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mr. El-Hajjé, Mr. Fan Guoxiang, Ms. Gwanmesia, Mr. Joinet, Mr. Khalil, Mr. Mehedi, Ms. Palley, Mr. Park, Mr. Uribe Diaz, Ms. Warzazi and Mr. Yimer. Ms. Daes, Mr. Guissé and Mr. Maxim subsequently joined the sponsors.

169. Statements in connection with the draft decision were made by Ms. Daes and Ms. Warzazi.

170. The decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/107.

171. After the adoption of the decision statements were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko and Mr. Weissbrodt.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS: (a) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT

172. The Sub-Commission considered item 7 together with item 11 (see chap. XII) at its 20th and 22nd meetings, on 20 and 21 August 1996.

173. For the list of documents issued under item 7, see annex VI to the present report.

174. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Lindgren Alves (20th), Ms. McDougall (22nd) and Mr. Zhong Shukong (20th).

175. Statements were made by the observers for Haiti (22nd) and Iraq (22nd).

176. Statements were made by the representatives of the following non-governmental organizations: American Association of Jurists (22nd), International Institute for Non-Aligned Studies (22nd), International Institute for Peace (22nd), International Islamic Federation of Student Organizations (22nd), International Progress Organization (22nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), World Organization against Torture (22nd).

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

177. The Sub-Commission considered agenda item 8 at its 22nd to 25th, 35th and 36th meetings, on 21, 22, 29 and 30 August 1996.

178. For a list of documents issued under this item, see annex VI to the present report.

179. At the 22nd meeting, on 21 August 1996, the Special Rapporteur on human rights and extreme poverty, Mr. Leandro Despouy, introduced his final report (E/CN.4/Sub.2/1996/13).

180. At the 23rd meeting, on 21 August 1996, Mr. José Bengoa, Special Rapporteur on the relationship between the enjoyment of human rights and income distribution, introduced his progress report (E/CN.4/Sub.2/1996/14). At the same meeting, Mr. El-Hadji Guissé, Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights) introduced his second interim report (E/CN.4/Sub.2/1996/15).

181. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (24th), Mr. Bengoa (25th), Mr. Chernichenko (24th), Ms. Daes (24th), Mr. El-Hajjé (25th), Mr. Joinet (25th), Mr. Khalifa (23rd), Ms. McDougall (22nd), Mr. Weissbrodt (23rd) and Mr. Zhong Shukong (23rd).

182. Statements were made by the observers for the International Monetary Fund (23rd) and the World Health Organization (23rd).

183. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (24th), African Commission of Health and Human Rights Promoters (24th), Afro-Asian People's Solidarity Organization (23rd), American Association of Jurists (23rd), Centre Europe-Tiers Monde (23rd), Disabled Peoples International (24th), Four Directions Council (23rd), General Arab Women Federation (24th), Indian Council of Education (24th), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (24th), International Commission of Jurists (23rd), International Educational Development (24th), International Federation of Free Journalists (22nd), International Federation of University Women (24th), International Humanist and Ethical Union (23rd), International Institute for Peace (23rd), International Islamic Federation of Student Organizations (24th), International Movement ATD Fourth World (24th), International Organization for the Development of Freedom of Education (24th), International Progress Organization (24th), International Service for Human Rights (24th), Latin American Federation of Associations of Relatives of Disappeared Detainees (24th), Movement against Racism and for Friendship among Peoples (24th), Pax Christi International (24th), Pax Romana (23rd), Union of Arab Jurists (24th), War Resisters International (24th), Women's International League for Peace and Freedom (24th), World Federation of Democratic Youth (24th), World Muslim Congress (24th), World Organization against Torture (24th).

184. Statements were also made by the observers for: Cuba (25th), Lebanon (25th), Libyan Arab Jamahiriya (25th), the Philippines (25th), Viet Nam (25th).

185. Statements equivalent to a right of reply were made by the observers for: Bangladesh (24th), Ethiopia (25th), Mexico (25th).

186. At the 25th meeting, on 22 August 1996, Mr. Bengoa, Mr. Despouy and Mr. Guissé made their concluding remarks.

Tenth anniversary of the adoption of the Declaration on the Right to Development

187. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.35, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Guissé, Mr. Joinet, Mr. Khalifa, Mr. Lindgren Alves, Ms. Mbonu, Ms. Warzazi and Mr. Yimer. Ms. Gwanmesia and Mr. Mehedi subsequently joined the sponsors.

188. In connection with the draft resolution, statements were made by Mr. Guissé, Mr. Fan Guoxiang, Mr. Mehedi and Ms. Palley.

189. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/22.

Human rights and extreme poverty

190. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.44, sponsored by Mr. Alfonso Martínez, Ms. Daes, Mr. Fix Zamudio, Mr. Ibarra, Mr. Joinet, Ms. Mbonu, Ms. Warzazi and Mr. Yimer.

191. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/23.

Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

192. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.46, sponsored by Mr. Ali Khan, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Ms. Mbonu, Mr. Mehedi and Ms. Warzazi. Mr. Weissbrodt subsequently joined the sponsors.

193. The resolution was adopted without a vote. For the text of the resolution see chapter II, section A, 1996/24.

The realization of economic, social and cultural rights

194. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.49, sponsored by Mr. Bengoa, Ms. Daes, Mr. El-Hajjé, Ms. Warzazi and Mr. Yimer. Mr. Guissé subsequently joined the sponsors.

195. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/25.

Human rights and income distribution

196. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.50, sponsored by Mr. Alfonso Martínez, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Warzazi and Mr. Yimer.

197. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/26.

Forced evictions

198. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.54, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Hatano, Mr. Khalil, Mr. Maxim, Mr. Mehedi and Ms. Warzazi. Mr. Joinet subsequently joined the sponsors.

199. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/27.

The relationship between the enjoyment of human rights, in particular economic, social, and cultural rights and the right to development, and the working methods and activities of transnational corporations

200. At its 35th and 36th meetings, on 29 and 30 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.47, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Warzazi, Mr. Yimer and Mr. Zhong Shukong. Mr. El-Hajjé subsequently withdrew as sponsor.

201. Mr. Bossuyt proposed to amend the draft resolution by deleting the word "adverse" before the words "effects" throughout the text. The amendment was accepted by the sponsors.

202. Mr. Guissé revised the draft resolution by inserting a new eighth preambular paragraph.

203. Ms. Palley proposed to amend operative paragraph 7 (c) by inserting, after the words "transnational corporations", the words "and business entities with franchises or licences". The amendment was accepted by the sponsors.

204. Ms. Warzazi revised the draft resolution as follows:

(a) Replace, at the beginning of operative paragraph 7 the words "Requests the Commission on Human Rights to establish" by "Estime qu'il serait utile que la Commission des droits de l'homme etablisse";

(b) Delete operative paragraph 10, which read:

> "10. Recommends the following draft decision to the Commission on Human Rights for adoption:
>
>> 'The Commission on Human Rights, taking note of resolution 1996/... of .. August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to establish, for a three-year period, a working group composed of five experts nominated by Governments, to be appointed by the Chairman of the Commission at its fifty-third session on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate: (a) to identify and examine the adverse effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development; (b) to investigate, monitor, examine and receive communications and gather information on the adverse effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development; (c) to make recommendations and proposals aimed at regulating, at the national, regional and international levels, the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote economic, social and cultural rights and the right to development; (d) to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively. The Commission also decides to invite Governments, United Nations bodies and agencies, intergovernmental organizations and non-governmental organizations to submit information on the adverse effects of the working methods and activities of transnational corporations on the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, for consideration by the working group and recommends the following draft decision to the Economic and Social Council for adoption:
>>
>>> "The Economic and Social Council, taking note of Commission on Human Rights decision 1997/... of ... 1997, approves the establishment by the Commission, for a three-year period, of a working group composed of five experts nominated by Governments, appointed by the Chairman of the Commission at its fifty-third session on the basis of equitable geographical representation and in consultation

> with the regional groups in the Commission, with the following mandate: (a) to identify and examine the adverse effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development; (b) to investigate, monitor, examine and receive communications and gather information on the adverse effects of the methods of work and activities of transnational corporations on economic, social and cultural rights and the right to development; (c) to make recommendations and proposals aimed at regulating, at the national, regional and international levels, the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote economic, social and cultural rights and the right to development; (d) to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and requests the Secretary-General to provide all the assistance necessary to enable the working group to fulfil its mandate."'"

205. In connection with the draft resolution, the revision and amendments, statements were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Diaz Uribe, Mr. Guissé, Mr. Joinet, Mr. Khalil, Ms. Mbonu, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

206. Statements in connection with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Guissé, Mr. Joinet, Ms. Mbonu, Ms. Palley, Mr. Weissbrodt and Mr. Yimer.

207. The resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, 1996/39.

208. Ms. Daes made a statement after the adoption of the resolution.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

209. The Sub-Commission considered item 9 at its 30th, 31st, 32nd, 33rd, 34th and 36th meetings on 27 to 30 August 1996.

210. By resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

211. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

212. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-fourth session, held from 22 July to 1 August 1996 (E/CN.4/Sub.2/1996/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-seventh session in 1995, as well as all government replies relevant to the material before it. The Sub-Commission noted with appreciation that a large number of Government replies, including detailed and substantive replies, had been received, in response to communications forwarded to Governments under Council resolution 728F (XXVIII). The Sub-Commission wishes to stress in this connection that Government cooperation is essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expresses the hope that all Governments will in the future respond to communications transmitted to them and thereby contribute to further development in international cooperation in the field of human rights.

213. It further noted that some Governments seem to take exception to receiving communications from the Centre for Human Rights under the procedure. This reflects a misunderstanding of the role of the Secretariat, which is duty-bound, pursuant to paragraph 2 (e) of Council resolution 728 F (XXVIII), to furnish each Member State with a copy of any communication concerning human rights which refers explicitly to that State, without engaging in any pre-screening of communications so transmitted. It is the role of the Working Group and the Sub-Commission to evaluate the contents of communications pursuant to the criteria set out in Council resolution 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV). Any criticism directed at the Secretariat for transmitting communications to Member States is, therefore, unwarranted and inappropriate.

214. Mr. F. Yimer, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-seventh session.

215. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-ninth session, in 1997, and to take no action with regard to other communications.

216. At its 36th meeting (closed part), on 30 August 1996, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

217. At its 34th meeting, on 29 August 1996, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-ninth session. For the composition of the Working Group, see chapter II, section B, decision 1996/111.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES: (a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY; (b) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES; (c) INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

218. The Sub-Commission considered agenda item 10 at its 25th, 26th, 27th, 28th, 29th and 35th meetings, on 22, 23, 26 and 29 August 1996.

219. For a list of documents issued under this item, see annex VI to the present report.

220. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Fix Zamudio (25th), Mr. Guissé (27th), Ms. Warzazi (26th).

221. At its 25th meeting, on 22 August 1996, Mr. Louis Joinet, Special Rapporteur on the question of impunity of perpetrators of violations of human rights (civil and political rights) introduced his report (E/CN.4/Sub.2/1996/18). At the same meeting, Mr. Leandro Despouy, Special Rapporteur on the question of human rights and states of emergency, introduced his ninth annual report (E/CN.4/Sub.2/1996/19).

222. At its 26th meeting, on 23 August 1996, Mr. Louis Joinet, as Chairman-Rapporteur of the Working Group on the administration of justice and the question of compensation introduced the report of the Working Group (E/CN.4/Sub.2/1996/16).

223. At its 29th meeting, on 26 August 1996, concluding statements were made by Mr. Despouy and Mr. Joinet.

224. Statements were made by the observers for Haiti (28th), Mexico (28th) and Tunisia (28th).

225. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission on Health and Human Rights Promoters (26th), Disabled Peoples International (28th), Afro-Asian People's Solidarity Organization (26th), American Association of Jurists (26th), Centre Europe-Tiers Monde (26th), Commission of the Churches on International Affairs of the World Council of Churches (27th), France Libertés: Fondation Danielle Mitterrand (28th), International Association against Torture (27th), International Association of Democratic Lawyers (28th), International Association of Educators for World Peace (28th), International Commission of Jurists (27th), International Educational Development, Inc. (28th), International Falcon Movement-Socialist Educational International (28th), International Federation of Human Rights League (28th), International Human Rights Association of American Minorities (28th), International Institute for Non-Aligned Studies (27th), International Institute for Peace (28th), International Islamic Student Association (28th), International League for the Rights and Liberation of Peoples (27th),

International Movement against All Forms of Discrimination and Racism (27th), International PEN (27th), International Progress Organization (28th), Liberation (28th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Movement against Racism and for Friendship among Peoples (28th), Pax Christi International (26th), Pax Romana (26th), Regional Council on Human Rights in Asia (28th), World Muslim Congress (28th) and World Organization Against Torture (27th).

226. Statements equivalent to a right of reply were made by the observers for Bahrain (28th), Cuba (27th), Egypt (28th), Morocco (29th), Nigeria (28th), Pakistan (28th), Viet Nam (28th).

Right to restitution, compensation, and rehabilitation for victims of gross violations of human rights and fundamental freedoms

227. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.19, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Mr. Guissé and Mr. Park. Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Joinet and Ms. Palley subsequently joined the sponsors.

228. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/28.

The right to a fair trial

229. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.23, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Mr. Hatano, Mr. Khalifa, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Ms. Gwanmesia and Mr. Joinet subsequently joined the sponsors.

230. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/29.

Question of human rights and states of emergency

231. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.45, sponsored by Mr. Alfonso Martínez, Mr. Bossuyt, Ms. Daes, Mr. Fix Zamudio, Mr. Ibarra, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Ali Khan subsequently joined the sponsors.

232. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/30.

The administration of justice and the human rights of detainees

233. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.56, sponsored by Mr. Yimer.

234. The decision was adopted without a vote. For the text of the resolution, see chapter II, section B, 1996/119.

XII. THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN

235. The Sub-Commission considered agenda item 11 together with item 7 (see chap. VIII) at its 20th, 22nd, 24th and 35th meetings, on 20, 21, 22 and 29 August 1999.

236. For the list of documents issued under item 11, see annex VI to the present report.

237. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Lindgren Alves (20th), Ms. McDougall (20th, 22nd) and Ms. Warzazi (20th).

238. Statements were made by the representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (22nd), Indian Council of Education (22nd), International Abolitionist Federation (22nd), International Association for Religious Freedom (22nd), International Commission of Jurists (22nd), International Association of Democratic Lawyers (22nd), International Educational Development (22nd), International Fellowship of Reconciliation (22nd), International Institute for Non-Aligned Studies (22nd), International Movement against All Forms of Discrimination and Racism (22nd), Inter-Parliamentary Union (22nd), Liberation (22nd), World Muslim Congress (22nd), World Organization against Torture (22nd).

239. A statement was made by the observer for Iraq (22nd). A statement equivalent to a right of reply was made by the observer for Bangladesh (24th).

240. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.48, sponsored by Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Ibarra, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota.

241. At the proposal of Mr. Bossuyt and Ms. Warzazi, the wording of the fifteenth preambular paragraph, which read "Noting the report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy (E/CN.4/1996/53 and Add.1 and 2)," was rephrased in accordance with paragraph 1 of Commission on Human Rights resolution 1996/49.

242. Ms. Warzazi also revised operative paragraph 10 by replacing the words "Proposes that the Secretary-General take steps to enhance the" by "Calls upon the Secretary-General to take the necessary steps to establish the post of".

243. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/21.

XIII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

244. The Sub-Commission considered item 12 together with items 13 and 19 (see chaps. XIV and XX) at its 14th, 15th and 27th meetings, on 15 and 23 August 1996.

245. For the documents issued under this item, see annex VI to the present report.

246. In the general debate on item 12, statements 1/ were made by the following members of the Sub-Commission: Mr. El-Hajjé (15th), Mr. Guissé (15th), Mr. Weissbrodt (14th).

247. The Sub-Commission also heard statements by the observer for the World Health Organization (15th).

248. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.28, sponsored by Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Fan Guoxiang, Mr. Guissé, Mr. Hatano, Mr. Khalil and Mr. Maxim.

249. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/110.

XIV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

250. The Sub-Commission considered item 13 together with items 12 and 19 (see chaps. XIII and XX), at its 14th to 16th, 27th and 34th meetings, on 15, 16, 23 and 29 August 1996.

251. For the documents issued under this item, see annex VI to the present report.

252. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Daes (16th), Ms. Palley (15th).

253. Statements were made by the observers for: Cyprus (15th), Egypt (15th), Iraq (15th), Republic of Korea (15th).

254. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (15th), Centre Europe-Tiers Monde (15th), Conference of European Churches (15th), International Educational Development, (14th), International Institute for Peace (15th), International League for the Rights and Liberation of Peoples (14th), International Movement against All Forms of Discrimination and Racism (15th), International Progress Organization (15th), Liberation (14th), Pax Christi (15th), Pax Romana (14th).

255. Statements equivalent to a right of reply were made by the observers for Cyprus (16th), Pakistan (15th) and Turkey (16th).

International peace and security

256. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.17, sponsored by Ms. Daes, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Khalifa, Mr. Maxim, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Bengoa, Mr. Guissé, Mr. Fix Zamudio, Mr. Joinet and Mr. Mehedi subsequently joined the sponsors.

257. Mr. Yimer revised the draft resolution by deleting, at the end of the last preambular paragraph, after the words "use of nuclear weapons", the phrase "concluded that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflicts, and in particular the principles of and rules of humanitarian law, and stated that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,".

258. Statements in connection with the draft resolution and revision were made by Mr. Alfonso Martínez and Mr. Joinet.

259. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/14.

260. A statement after the adoption of the resolution was made by Mr. Weissbrodt.

Injurious effects of anti-personnel and land-mines

261. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.26, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. McDougall, Mr. Mehedi, Ms. Palley, Ms. Warzazi and Mr. Yimer.

262. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mr. Mehedi, Ms. Warzazi and Mr. Weissbrodt.

263. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/15.

International peace and security

264. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.18, sponsored by Mr. Ali Khan, Mr. Bengoa, Ms. Daes, Mr. Maxim, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Khalil and Mr. Mehedi subsequently joined the sponsors.

265. Ms. Palley proposed to revise the draft resolution by deleting the sixth preambular paragraph. Mr. Guissé requested that the preambular paragraph be retained. Statements in this connection were made by Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Mr. Weissbrodt and Mr. Yimer.

266. Mr. Yokota proposed to amend operative paragraph 2 (a) by replacing the words "other United Nations bodies" by "the competent United Nations bodies and agencies". The amendment was accepted by the sponsors. Mr. Yokota subsequently joined the sponsors.

267. The Sub-Commission then decided to postpone consideration of the draft resolution.

268. At its 34th meeting, on 29 August 1996, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1996/L.18.

269. Ms. Palley proposed to revise the sixth preambular paragraph by replacing the words "provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" by "principles of international human rights and humanitarian law".

270. In connection with Ms. Palley's proposal, Mr. Mehedi proposed to replace the same words by either "selon les principes du droit international des droits de l'homme" or "le droit international des droits de l'homme". Subsequently, Ms. Palley and Mr. Mehedi revised their proposals to read "with principles of international human rights, international human rights law and

international humanitarian law,". At the suggestion of Mr. Eide, the Sub-Commission agreed to the following wording at the end of the sixth preambular paragraph: "with international human rights and humanitarian law,".

271. In connection with the same preambular paragraph, Ms. Gwanmesia proposed to replace the words "provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" by "promotion and protection of international peace and security". At the proposal of Mr. Yimer, the word "protection" was replaced by "maintenance". At the proposal of Ms. Palley, Ms. Gwanmesia's revision was incorporated into a new last preambular paragraph.

272. Statements regarding the revisions and amendments were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Mr. Weissbrodt and Mr. Yimer.

273. At the request of Ms. Palley, a vote was taken on closure of the debate in accordance with rule 50 of the rules of procedure of the functional commissions of the Economic and Social Council. The motion was adopted by 13 votes to 6, with 3 abstentions.

274. Also at the request of Ms. Palley, a vote was taken on the draft resolution. The draft resolution, as revised, was adopted by 15 votes to 1, with 8 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/16.

275. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. Guissé, Ms. Gwanmesia, Mr. Lindgren Alves and Mr. Weissbrodt.

XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

276. The Sub-Commission considered item 14 at its 28th, 29th and 35th meetings, on 26 and 29 August 1996.

277. For the documents issued under this item, see annex VI to the present report.

278. At its 28th meeting, on 26 August 1996, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, introduced the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1). As Special Rapporteur on the protection of the heritage of indigenous peoples, Ms. Daes presented her supplementary report (E/CN.4/Sub.2/1996/22).

279. At the same meeting, Mr. Alfonso Martínez, the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous populations introduced his third progress report (E/CN.4/Sub.2/1996/23).

280. In the general debate on the item, statements were made by the following members: Mr. Alfonso Martínez (29th), Mr. Bengoa (29th), Ms. Daes (29th), Mr. El-Hajjé (29th), Mr. Guissé (29th), Ms. Mbonu (29th), Ms. Warzazi (29th) and Mr. Weissbrodt (29th).

281. Statements were also made by the observers for Bangladesh (29th), Chile (29th), Peru (29th), the Philippines (29th) and Ukraine (29th). A statement was made by the observer for the International Labour Organization (29th).

282. Statements were also heard by the following non-governmental organizations: American Association of Jurists (29th), Commission of the Churches on International Affairs of the World Council of Churches (29th), International Organization of Indigenous Resource Development (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (29th), Liberation (29th), Saami Council (29th), World Federalist Movement (29th).

Discrimination against indigenous peoples

283. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.31, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Mr. Guissé, Mr. Hatano and Ms. Koufa.

284. Ms. Daes orally revised the draft resolution by replacing, in operative paragraphs 11 and 13, the words "indigenous peoples: land and environment" by "indigenous peoples: environment, land and sustainable development".

285. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/31.

United Nations Voluntary Fund for Indigenous Populations and Voluntary Fund for the International Decade of the World's Indigenous People

286. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.32, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Daes, Mr. Guissé and Mr. Hatano. Mr. Ali Khan, Mr. Fix Zamudio, Ms. Gwanmesia, Ms. Palley and Mr. Weissbrodt subsequently joined the sponsors.

287. Ms. Daes orally proposed to revise the draft resolution as follows:

(a) Delete, in the third preambular paragraph of the English version, after the word "establishing" the words "the advisory group for";

(b) Delete the fourth preambular paragraph.

288. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/32.

International Decade of the World's Indigenous People

289. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.33, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Guissé and Mr. Hatano.

290. Ms. Daes orally revised the draft resolution by placing, in operative paragraph 2, the words "draft United Nations declaration on the rights of indigenous peoples" in quotation marks.

291. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/34.

Permanent forum in the United Nations for indigenous people

292. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.34, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Guissé and Mr. Hatano.

293. Mr. Alfonso Martínez orally revised the title of the Spanish version by replacing the word "pueblos" by "poblaciones".

294. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/35.

Religious freedom of indigenous peoples

295. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.39, sponsored by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Boutkevitch, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Mr. Ibarra, Mr. Joinet, Ms. Mbonu, Mr. Mehedi and Mr. Yimer.

296. Ms. Daes orally revised the draft resolution by deleting, at the end of operative paragraph 4, the words "including the region of Big Mountain".

297. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/36.

Protection of the heritage of indigenous people

298. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.51, sponsored by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Boutkevitch, Mr. Fix Zamudio, Mr. Guissé, Mr. Ibarra, Mr. Khalil, Ms. Koufa, Ms. Mbonu, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Mr. Zhong Shukong.

299. Ms. Daes orally revised the draft resolution as follows:

(a) Replace, in operative paragraph 7, the words "improving coordination and cooperation" by "how they can contribute to her work";

(b) Insert, in operative paragraph 8, after the words "coordination", the words "between the Working Group and these bodies";

(c) Replace, in operative paragraph 9, the words "improving coordination and cooperation" by "how they can contribute to her work".

300. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/37.

Study on indigenous land rights

301. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.52, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Mr. Fix Zamudio, Mr. Guissé, Mr. Ibarra, Mr. Khalil, Ms. Koufa, Ms. Mbonu, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Mr. Zhong Shukong. Mr. Weissbrodt subsequently joined the sponsors.

302. Ms. Daes orally revised the draft resolution as follows:

(a) Delete, in the first and second preambular paragraphs, after "lands", the word ", territories";

(b) Delete, in operative paragraph 1 (b), after the words "indigenous land rights", the phrase "and the identification of problems in the implementation of such laws, policies and procedures, with a view to developing recommendations on potential solutions to such problems".

303. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Ms. Daes, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley and Mr. Weissbrodt.

304. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, 1996/38.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

305. At its 35th meeting, on 29 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.57, sponsored by Mr. Alfonso Martínez, Ms. Daes, Mr. Guissé and Mr. Hatano.

306. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/118.

Composition of the Working Group on Indigenous Populations

307. At its 34th meeting, on 29 August 1996, the Sub-Commission decided on the composition of its pre-sessional working groups that would meet prior to its forty-ninth session. For the composition of the Working Group on Indigenous Populations, see chapter II, section B, decision 1996/111.

XVI. CONTEMPORARY FORMS OF SLAVERY

308. The Sub-Commission considered item 15 together with item 16 (see chap. XVII) at its 12th to 14th and 27th meetings held on 14, 15 and 23 August 1996.

309. For the list of documents issued under this item, see annex VI to the present report.

310. At the 12th meeting, on 14 August 1996, Ms. Warzazi, the Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group at its twenty-first session (E/CN.4/Sub.2/1996/24).

311. At the same meeting, Ms. McDougall introduced, on behalf of Ms. Linda Chavez, the preliminary report of the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict (E/CN.4/Sub.2/1996/26).

312. In the general debate under item 15, statements 1/ were made by the following members of the Sub-Commission: Mr. Bossuyt (14th), Ms. Daes (14th), Mr. El-Hajjé (14th), Mr. Fan Guoxiang (13th), Mr. Hatano (12th, 14th), Mr. Lindgren Alves (14th), Mr. Maxim (13th), Ms. Palley (14th), Mr. Yimer (12th), Mr. Yokota (13th, 14th).

313. Statements were made by the observers for: Cuba (13th), Democratic People's Republic of Korea (13th), Japan (13th), Pakistan (13th), Philippines (13th), Republic of Korea (13th), Sudan (13th).

314. A statement was made by the observer for the International Labour Organization (13th).

315. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Centre Europe - Tiers Monde (12th), Christian Solidarity International (12th), Commission of the Churches on International Affairs of the World Council of Churches (13th), International Association of Democratic Lawyers (14th), International Confederation of Free Trade Unions (12th), International Fellowship of Reconciliation (13th), International Movement against All Forms of Discrimination and Racism (12th), International Progress Organization (12th), Liberation (12th), Pax Christi International (13th), Pax Romana (12th), World Federalist Movement (12th).

316. A statement equivalent to a right of reply was made by the observers for India (13th) and Mauritania (14th).

Systematic rape and sexual slavery during periods of armed conflict

317. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.15, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. McDougall, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Yokota subsequently joined the sponsors.

318. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Yokota.

319. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/11.

Report of the Working Group on Contemporary Forms of Slavery

320. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.27, sponsored by Mr. Ali Khan, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Mehedi and Ms. Warzazi. Ms. Gwanmesia, Mr. Park and Mr. Yimer subsequently joined the sponsors.

321. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/12.

Composition of the Working Group on Contemporary Forms of Slavery

322. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.53, sponsored by Ms. Warzazi. Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Joinet, Mr. Maxim and Mr. Mehedi subsequently joined the sponsors.

323. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/18.

324. At its 34th meeting, on 29 August 1996, the Sub-Commission decided on the composition of its pre-sessional working groups that would meet prior to its forty-ninth session. For the composition of the Working Group on Contemporary Forms of Slavery, see chapter II, section B, decision 1996/111.

XVII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS: (a) THIRTIETH ANNIVERSARY OF THE ADOPTION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS; (b) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH; (c) HUMAN RIGHTS AND DISABILITY

325. The Sub-Commission considered item 16 together with item 15 (see chap. XVI) at its 13th, 14th and 27th meetings on 14, 15 and 23 August 1996.

326. For the list of documents issued under this item, see annex VI to the present report.

327. Statements were made by the observers for: Armenia (14th), Iraq (14th), Libyan Arab Jamahiriya (14th).

328. A statement was made by the observer for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (13th).

329. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (13th), Baha'i International Community (14th), Friends World Committee for Consultation (Quakers) (14th), International Association of Democratic Lawyers (14th), International Educational Development, (14th), International Institute for Non-Aligned Studies (13th), International Movement ATD Fourth World (13th), Latin American Federation of Associations of Relatives of Disappeared Detainees (13th), Pax Christi International (13th), World Organization against Torture (14th).

330. A statement equivalent to a right of reply was made by the observer for Bahrain (14th).

Thirtieth anniversary of the International Covenants

331. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.20, sponsored by Ms. Daes, Mr. Joinet and Ms. Warzazi. Mr. Ali Khan subsequently joined the sponsors.

332. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/13.

XVIII. PROTECTION OF MINORITIES

333. The Sub-Commission considered item 17 together with items 5, 18 and 20 (see chaps. VI, XIX and XXI) at its 9th to 12th, 27th and 34th meetings, on 12 to 14, 23 and 29 August 1996.

334. For the list of documents issued under item 17, see annex VI to the present report.

335. At the 9th meeting, on 12 August 1996, Mr. Eide the Chairman-Rapporteur of the Working Group on Minorities, introduced the reports of the Working Group on its first and second sessions (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28).

336. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Bengoa (10th), Mr. Chernichenko (10th), Ms. Daes (12th), Mr. El-Hajjé (9th), Mr. Fan Guoxiang (10th), Mr. Guissé (9th), Mr. Maxim (9th), Ms. Mbonu (10th), Ms. McDougall (11th), Ms. Palley (10th), Mr. Yimer (10th), Ms. Warzazi (10th).

337. The Sub-Commission heard statements by the observers for Bangladesh (10th), Latvia (12th), Pakistan (12th), Romania (9th), Russian Federation (12th). The Observer for the Office of the United Nations High Commissioner for Refugees made a statement (10th).

338. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Commission of Health and Human Rights Promoters (11th), American Association of Jurists (11th), International Association of Democratic Lawyers (9th), International Association of Educators for World Peace (9th), International Association of Jewish Lawyers and Jurists (9th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (11th), International Institute for Peace (9th), International League for the Rights and Liberation of Peoples (11th), International Movement against All Forms of Discrimination and Racism (9th), Liberation (9th), Minority Rights Group (9th), Pax Christi International (9th), Survival International (9th), World Muslim Congress (11th).

339. Statements equivalent to a right of reply were made by the observers for Albania (12th), Estonia (12th), Nigeria (12th).

Prevention of discrimination and protection of minorities

340. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.25, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Fix Zamudio, Mr. Khalifa, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Guissé subsequently joined the sponsors. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling Commission on Human Rights resolution 1995/24 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities and to examine peaceful and constructive solutions to situations involving minorities,

"Noting that the Working Group on Minorities held its first session from 28 August to 1 September 1995 and its second session from 30 April to 3 May 1996,

"Having considered the reports of the first and second sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28) and, in particular, the recommendations contained in chapters VII and VIII thereof, respectively,

"Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered by one or more of the parties to the conflict,

"Mindful of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and convinced that the implementation of its principles, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and article 27 of the International Covenant on Civil and Political Rights, as well as all other relevant international instruments, provides the best guidance for resolving peacefully minority disputes or conflicts,

"Aware of the contributions made by the High Commissioner for Human Rights towards the implementation of the principles contained in the Declaration and of his continuing dialogue with Governments and minorities concerned,

"Underlining the significant contributions to the protection of minorities made by the relevant treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child,

"Acknowledging the positive initiatives and measures undertaken by many States, specialized agencies, intergovernmental regional organizations and non-governmental organizations to protect minorities and promote mutual understanding and tolerance, "*Reiterating* the imperative need for cooperation between Governments and minorities, as well as among minorities themselves, in the search for constructive and peaceful resolution of their respective disputes and accommodation of their respective concerns within the general framework of international human rights law,

"*Encouraging* the participation of all concerned in the Working Group,

"*Recognizing* the positive participation of all concerned in the Working Group and the developments towards constructive dialogue among minorities and between minorities and Governments,

"*Noting with interest* that the Working Group on the Right to Development has identified continued discrimination against, *inter alia*, minorities with respect to their right of access to health care, education, work, property and other economic, social and cultural rights as a major obstacle to the realization of the right to development,

"*Endorsing* relevant initiatives for the involvement of minorities in the field of development in accordance with the relevant principles of the Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities and of the Declaration on the Right to Development,

"*Emphasizing* the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

"*Underlining* the importance of close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

"1. *Expresses its deep appreciation* to the Working Group on Minorities and, in particular, to its Chairman-Rapporteur, Mr. A. Eide;

"2. *Welcomes* the substantive information submitted to the Working Group on Minorities at its first and second sessions and the constructive dialogue between minorities and Governments;

"3. *Endorses* the recommendations made in the reports of the two sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2, chap. VII and E/CN.4/Sub.2/1996/28, chap. VIII);

"4. *Decides* to submit the reports of the first and second sessions of the Working Group on Minorities to the Commission on Human Rights for consideration;

"5. *Urges* the Working Group on Minorities to continue to act as the main forum for consideration and possible resolution of problems between minorities and Governments, as well as among minorities themselves, drawing on the expertise of scholars, among others, including those present at its sessions;

"6. Invites the Working Group to elaborate guidelines on the content and scope of the rights contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

"7. Also invites the Working Group to increase its cooperation with the High Commissioner for Human Rights with a view to strengthening his preventive activities and enhancing his responses to minority situations warranting urgent action;

"8. Welcomes the recommendation contained in paragraph 208 of the report on its second session (E/CN.4/Sub.2/1996/28) in particular and invites the Working Group to pursue its efforts to organize seminars, without financial implications for the United Nations, on the themes listed therein;

"9. Requests the High Commissioner for Human Rights to pursue, in accordance with his mandate, the implementation of his programme for the promotion and protection of the rights of persons belonging to minorities;

"10. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child pay particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child when considering States parties' reports, and that they include in their guidelines an item concerning minorities;

"11. Recommends also that the treaty bodies, special rapporteurs and special representatives and the competent working groups continue to pay due regard, within their mandates, to the principles contained in the Declaration;

"12. Requests the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to continue to submit information on the application thereof, in compliance with article 9 of the Declaration, to the Working Group on Minorities;

"13. Appeals to all Governments, competent United Nations bodies, intergovernmental organizations, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

"14. Encourages States and the international community to facilitate dialogue and conciliation between minorities and Governments and to submit information on such mechanisms to the Working Group on Minorities at its third session;

"15. Recommends that the Centre for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

"16. Also recommends that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group for a further two years with a view to its holding one session annually until 1999;

"17. Recommends the following draft decision to the Commission on Human Rights for adoption:

> 'The Commission on Human Rights, noting resolution ... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities for a further two years with a view to its holding one session annually until 1999.'"

341. Mr. Alfonso Martínez orally proposed the following amendments:

(a) Replace, in operative paragraph 6, the words "directrices sobre el" by "y someta a la consideración de la Subcomisión y de la Comisión de derechos humanos criterios acerca del";

(b) Add, at the end of operative paragraph 11, the phrase "así como a la situación de las personas a que esta se refiera;".

The amendments were accepted by the sponsors.

342. Mr. Maxim orally proposed to reword the beginning of operative paragraph 14, and in particular to replace the words "conciliation" by "coopération" and "gouvernements" by "populations majoritaires". Mr. Alfonso Martínez, Ms. Daes, Mr. Fan Guoxiang and Mr. Yokota made statements in this connection.

343. On the proposal of the Chairman, consideration of the draft resolution was postponed.

344. At its 34th meeting, on 29 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.25/Rev.1, sponsored by Mr. Bossuyt, Ms. Daes, Mr. Fix Zamudio, Mr. Khalifa, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer. Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Maxim and Mr. Weissbrodt subsequently joined the sponsors.

345. A statement in connection with the draft resolution was made by Ms. Daes.

346. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/17.

Composition of the Working Group on Minorities

347. At ist 34th meeting, on 29 August 1996, the Sub-Commission decided on the composition of its pre-sessional working groups that would meet prior to its forty-ninth session. For the composition of the Working Group on Minorities, see chapter II, section B, decision 1996/111.

XIX. FREEDOM OF MOVEMENT: (a) SITUATION OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES; (b) POPULATION DISPLACEMENTS; (c) RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY

348. The Sub-Commission considered item 18 together with items 5, 17 and 20 (see chaps. VI, XVIII and XXI) at its 9th to 12th, 23rd, 27th and 36th meetings, on 12 to 14, 21, 23 and 30 August 1996.

349. For the list of documents issued under this item, see annex VI to the present report.

350. In the general debate under item 18, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (11th), Mr. Bengoa (10th), Mr. Chernichenko (10th), Ms. Daes (12th), Mr. Guissé (10th), Ms. Palley (10th), Ms. Warzazi (10th).

351. A statement was made by the observer for the Philippines (12th).

352. A statement was made by the observer for the Office of the United Nations High Commissioner for Refugees (10th).

353. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: Centre Europe-Tiers Monde (11th), International Educational Development,(11th), International Federation of Human Rights Leagues (11th), International League for the Rights and Liberation of Peoples (11th), Liberation (9th), Movement against Racism and for Friendship among Peoples (9th), Pax Christi International (9th), Pax Romana (10th), United Towns Agency for North-South Cooperation (10th), War Resisters International (9th).

354. A statement equivalent to a right of reply was made by the observer for Nigeria (12th).

The right to freedom of movement

355. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.16, sponsored by Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Boutkevitch, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet and Mr. Mehedi subsequently joined the sponsors.

356. Mr. Mehedi proposed to replace the wording of the fourth preambular paragraph by the following text:

> "Rappelant dans le cadre des déplacements des populations, le respect du droit à la liberté de circulation, notamment le droit de chercher et de bénéficier de l'asile en d'autres pays, le droit de demeurer dans son pays et le droit au retour,".

The proposal was not accepted by the other sponsors.

357. Mr. Alfonso Martínez proposed to amend the text of operative paragraph 4 to reflect article 14 (1) of the Universal Declaration of Human Rights. The amendment was accepted by the sponsors.

358. Statements in connection with the proposed revision and amendment were made by Mr. Alfonso Martínez, Mr. Bossuyt, Ms. Gwanmesia and Ms. Warzazi.

359. The resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/9.

360. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.24, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. El-Hajjé, Mr. Fan Guoxiang, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer.

361. Mr. Alfonso Martínez proposed to replace the words "y cuestiones conexas" by "en particular, sobre el contenido del dicho derecho, las posibles formas efectivas para llegar a materializarlo y los posibles obstáculos que pudieran incidir en su plena realización". The amendment was not accepted by the sponsors. Statements in this connection were made by Mr. Joinet, Ms. Mbonu and Ms. Palley.

362. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 1996/109.

363. Mr. Joinet made a statement after the adoption of the decision.

Migrant workers

364. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.29, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. El-Hajjé, Mr. Guissé, Mr. Joinet, Mr. Khalifa, Ms. Mbonu, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer. Mr. Boutkevitch subsequently joined the sponsors.

365. The resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/10.

Human rights dimensions of population transfer, including the implantation of settlers and settlements

366. At its 36th meeting, on 30 August 1996, the Sub-Commission considered draft decision E/CN.4/Sub.2/1996/L.58, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its ... meeting, on ... August 1996, decided, without a vote, to request Mr. Awn Al-Khasawneh to submit to it, at its forty-ninth session, his final report and to request the Secretary-General to do his utmost to organize, in accordance with Commission on Human Rights decision 1994/102 of 25 February 1994, a multidisciplinary expert seminar on the human rights dimensions of population transfer

> including the implantation of settlers and settlements, to enable the Special Rapporteur to prepare his final report and, in particular, formulate appropriate final conclusions and recommendations."

367. Statements in this connection were made by Mr. Chernichenko, Ms. Mbonu and Mr. Weissbrodt.

368. In view of the adoption of its resolution 1996/9 of 23 August 1996, the Sub-Commission agreed to take no action on draft decision E/CN.4/Sub.2/1996/L.58.

XX. IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

369. The Sub-Commission considered agenda item 19 together with items 12 and 13 (see chaps. XIII and XIV) at its 14th and 15th, 23rd and 26th meetings, on 15, 21 and 23 August 1996.

370. For the list of documents issued under this item, see annex VI to the present report.

371. In the general debate, statements were made by the following members of the Sub-Commission: Ms. Palley (15th) and Mr. Weissbrodt (14th).

372. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (14th), International Educational Development (14th), International League for the Rights and Liberation of Peoples (14th).

Situation of human rights in the Republic of Chechnya of the Russian Federation

373. At its 23rd meeting, on 21 August 1996, Ms. Warzazi introduced a draft decision on the situation of human rights in the Republic of Chechnya of the Russian Federation.

374. Statements in this connection were made by Mr. Alfonso Martínez, Mr. Chernichenko, Ms. Gwanmesia, Mr. Joinet and Ms. Warzazi.

375. In accordance with rule 48 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Chernichenko moved for the adjournment of the meeting. The motion was rejected by 9 votes to 4, with 5 abstentions.

376. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the draft decision. The decision was adopted by 17 votes to 2, with 4 abstentions, as follows:

In favour: Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Ms. Gwanmesia, Mr. Joinet, Mr. Khalifa, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota.

Against: Mr. Chernichenko, Mr. Fan Guoxiang.

Abstaining: Ms. Attah, Mr. Boutkevitch, Mr. Guissé, Mr. Mehedi.

377. For the text of the decision, see chapter II, section B, decision 1996/108.

378. At the 26th meeting, on 23 August 1996, the observer for the Russian Federation made a statement.

XXI. COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO RACISM, XENOPHOBIA, MINORITIES AND MIGRANT WORKERS

379. The Sub-Commission considered item 20 together with items 5, 17 and 18 (see chaps. VI, XVIII and XIX) at its 9th to 12th meetings, on 12 to 14 August 1996.

380. For the list of documents issued under this item, see annex VI to the present report.

381. At the 9th meeting, on 12 August 1996, Mr. Eide introduced his working paper entitled "Towards a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers: some suggestions" (E/CN.4/Sub.2/1996/30).

382. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Ali Khan (11th), Mr. Bengoa (10th), Mr. Maxim (9th), Ms. McDougall (11th), Ms. Palley (10th), Mr. Yimer (10th).

383. Statements were made by the observers for: Bangladesh (10th), Cuba (9th), Iran (Islamic Republic of) (9th), Philippines (12th), Turkey (11th).

384. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (11th), American Association of Jurists (11th), Centre Europe-Tiers Monde (11th), International Educators for World Peace (10th), Movement against Racism and for Friendship among Peoples (9th).

XXII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-NINTH SESSION OF THE SUB-COMMISSION

385. The Sub-Commission considered agenda item 21 at its 36th meeting, on 30 August 1996.

386. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it an informal document containing a draft provisional agenda for the forty-ninth session of the Sub-Commission.

387. Statements in connection with the draft provisional agenda were made by Mr. Alfonso Martínez, Mr. Ali Khan, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Mr. Fan Guoxiang, Ms. Gwanmesia and Mr. Joinet.

388. The members of the Sub-Commission took note of the document and entrusted the Chairman, in cooperation with the Secretariat, with the task of finalizing the draft provisional agenda in accordance with the statements made by the members.

389. In presenting the draft provisional agenda for the forty-ninth session of the Sub-Commission, the Chairman noted that matters falling under the general heading of the respective items other than those listed as sub-items could also be taken up, should the Sub-Commission so decide. The draft provisional agenda reads as follows:

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolutions 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25; Sub-Commission resolutions 5 (XIV), 1992/8 and 1994/32 and decisions 2 (XXXIV), 1996/111, 1996/112, 1996/113, 1996/114 and 1996/115.

   Documentation:

   (a) Working paper by Mr. Hatano relating to the methods of work of the Sub-Commission (decision 1996/114);

   (b) Report of the Secretary-General on his examination of the proposals contained in decision 1996/111.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Legislative authority: Sub-Commission resolutions 1996/2, 1996/3, 1996/4, 1996/6, 1996/7 and decision 1996/106.

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination*:

(a) Situation of migrant workers and members of their families; a/

(b) Xenophobia.

Legislative authority: Sub-Commission resolutions 1994/4 and 1996/10 and decisions 1996/109 and 1996/120.

Documentation:

Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination by two members of the Sub-Commission and of the Committee on the Elimination of Racial Discrimination, respectively (decision 1996/120).

4. The realization of economic, social and cultural rights*:

(a) The international economic order and the promotion of human rights;

(b) The realization of the right to development;

(c) The question of transnational corporations.

Legislative authority: Sub-Commission resolutions 1989/1, 1996/22, 1996/24, 1996/26, 1996/27 and 1996/39.

Documentation:

(a) Final report of the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (resolution 1996/24, para. 2);

(b) Final report of the Special Rapporteur on human rights and income distribution (resolution 1996/26, para. 9);

(c) Report of the Secretary-General on the expert seminar on forced evictions (resolution 1996/27, para. 9).

5. The implementation of the human rights of women:

(a) Traditional practices affecting the health of women and children;

(b) The role and equal protection of women in development.

Legislative authority: Sub-Commission resolutions 1996/19 and 1996/21.

Documentation:

Progress report of the Special Rapporteur on traditional practices affecting the health of women and children (resolution 1996/19, para. 5).

6. Contemporary forms of slavery*

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1996/11 and 1996/12.

Documentation:

(a) Final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, including internal conflict (resolution 1996/11, para. 2);

(b) Report of the Secretary-General on the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (resolution 1996/12, para. 15);

(c) Report of the Working Group on its twenty-second session (resolution 1996/12).

7. Human rights of indigenous peoples*

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77; Commission on Human Rights decision 1996/109; Sub-Commission resolutions 1996/31 and 1996/38 and decision 1996/118.

Documentation:

(a) Report of the Working Group on Indigenous Populations on its fifteenth session (resolution 1996/31);

(b) Final report of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1996/118);

(c) Report of the Secretary-General on the technical meeting on the protection of the heritage of indigenous people (resolution 1996/37, para. 7);

(d) Preliminary report of the Special Rapporteur on a comprehensive study on indigenous land rights (resolution 1996/38, para. 2).

8. Protection of minorities*

Legislative authority: Commission on Human Rights resolution 1995/24; Sub-Commission resolutions 1994/4 and 1996/17.

Documentation:

Report of the Working Group on its third session (resolution 1996/17).

9. The administration of justice and the human rights of detainees:*

(a) Question of human rights and states of emergency a/ (report to be prepared annually);

(b) Application of international standards concerning the human rights of detained juveniles. a/

Legislative authority: Sub-Commission resolution 1996/30 and decision 1996/119.

Documentation:

(a) Annual report and list updated by the Special Rapporteur on human rights and states of emergency (resolution 1996/30, para. 3);

(b) Report of the Special Rapporteur containing a revised version of the set of principles for the protection and promotion of human rights through action to combat impunity (decision 1996/119).

10. Freedom of movement: a/

(a) Population displacements;

(b) The right to leave and seek asylum and the right to return.

Legislative authority: Sub-Commission resolutions 1994/24 and 1996/9 and decision 1996/109.

Documentation:

(a) Working paper by Mr. Boutkevitch on the right to freedom of movement and related issues (decision 1996/109);

(b) Final report of the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers and settlements (resolution 1996/9, para. 8).

11. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments related to recommendations made in earlier studies:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief; a/

(iii) Encouragement of universal acceptance of human rights instruments; a/

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Terrorism and human rights; a/

(ii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life; a/

(c) Other new developments.

Legislative authority: Commission on Human Rights resolution 1985/13; Sub-Commission resolutions 1994/25, 1996/15, 1996/16, 1996/20 and 1996/33 and decisions 1996/116 and 1996/117.

Documentation:

(a) Report of the Secretary-General on the effects of weapons of mass destruction (resolution 1996/16, para. 2 (b));

(b) Working paper by Ms. Koufa on the question of terrorism and human rights (resolution 1996/20, para. 3);

(c) Expanded working paper by Mr. Chernichenko on recognition of gross and massive violations of human rights perpetrated or sanctioned by Governments as an international crime (decision 1996/116);

(d) Working paper by Mr. El-Hajjé on the ways and means of promoting democracy (decision 1996/117).

12. Communications concerning human rights; report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

13. Concluding items:

(a) Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the fiftieth session of the Sub-Commission;

(b) Adoption of the report of the forty-ninth session.

390. In addition, the following sub-items will be considered on a biennial basis beginning in 1998:

(a) Under item 9:

(i) Sub-item (c) entitled "Individualization of prosecution and penalities, and repercussions of violations of human rights on families";

(ii) Sub-item (d) entitled "Privatization of prisons";

(b) Under sub-item 11 (a) (i):

(i) Sub-item (a) entitled "Prevention of discrimination and protection of children: human rights and youth";

(ii) Sub-item (b) entitled "Human rights and disability";

(c) Under sub-item 11 (b):

(i) Biennial sub-item (i) entitled "Terrorism and human rights";

(ii) Biennial sub-item (ii) entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life".

---

* These agenda items should address gender perspectives and the particular human rights concerns of women and girl children pursuant to Sub-Commission resolution 1995/26 and Commission on Human Rights resolution 1995/86.

a/ Item to be considered biennially beginning in 1997.

XXIII. ADOPTION OF THE REPORT OF THE FORTY-EIGHTH SESSION

391. At its 36th meeting, on 30 August 1996, the Sub-Commission considered the draft report on the work of its forty-eighth session (E/CN.4/Sub.2/1996/L.10 and Addenda; E/CN.4/Sub.2/1996/L.11 and Addenda).

392. At the same meeting, the Sub-Commission adopted the draft report *ad referendum* and decided to entrust the Rapporteur with its finalization.

Note

1/ The numbers in parentheses indicate the meeting at which the statement was made.

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

    (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

    (a) Question of human rights and states of emergency;

    (b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

    (c) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

11. The implementation of the human rights of women.

12. Human rights and scientific and technological developments.

13. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

14. Discrimination against indigenous peoples.

15. Contemporary forms of slavery.

16. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Thirtieth anniversary of the adoption of the International Covenants on Human Rights;

    (b) Prevention of discrimination and protection of children: human rights and youth;

    (c) Human rights and disability.

17. Protection of minorities.

18. Freedom of movement:

    (a) Situation of migrant workers and members of their families;

    (b) Population displacements;

    (c) Right to leave any country, including one's own, and to return to one's own country.

19. Implications of humanitarian activities for the enjoyment of human rights.

20. Comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-ninth session of the Sub-Commission.

22. Adoption of the report on the forty-eighth session.

Annex II

ATTENDANCE

Members and alternates

Name	Country of nationality
Mr. Miguel Alfonso Martínez	(Cuba)
Mr. Mohamed Sardar Ali Khan	(India)
Ms. Judith Sefi Attah Ms. Christy Ezim Mbonu*	(Nigeria)
Mr. José Bengoa Mr. Mario Ibarra*	(Chile)
Mr. Marc Bossuyt Mr. Guy Genot*	(Belgium)
Mr. Volodymyr Boutkevitch Mr. Oleg Shamshur*	(Ukraine)
Mr. Stanislav V. Chernichenko Mr. Teimuraz O. Ramishvili*	(Russian Federation)
Ms. Erica-Irene A. Daes Ms. K. Koufa*	(Greece)
Mrs. Clemencia Forero Ucros Mr. Alberto Diaz Uribe*	(Colombia)
Mr. Asbjørn Eide	(Norway)
Mr. Osman El-Hajjé	(Lebanon)
Mr. Fan Guoxiang Mr. Zhong Shukong*	(China)
Mr. Héctor Fix Zamudio*	(Mexico)
Mr. El-Hadji Guissé	(Senegal)
Ms. Lucy Gwanmesia	(Cameroon)

---

* Alternate.

Name	Country of nationality
Mr. Ribot Hatano Mr. Yozo Yokota*	(Japan)
Mr. Louis Joinet	(France)
Mr. Ahmed Khalifa Mr. Ahmed Khalil*	(Egypt)
Mr. José Augusto Lindgren Alves	(Brazil)
Mr. Ioan Maxim	(Romania)
Mr. Mustapha Mehedi	(Algeria)
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
Mr. Sang Yong Park	(Republic of Korea)
Ms. Halima Embarek Warzazi	(Morocco)
Mr. David Weissbrodt Ms. Gay J. McDougall*	(United States of America)
Mr. Fisseha Yimer	(Ethiopia)

States Members of the United Nations represented by observers

Afghanistan, Albania, Algeria, Angola, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Malta, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Zambia.

Non-member States represented by observers

Holy See, Switzerland

United Nations bodies

United Nations Department of Humanitarian Affairs, Joint United Nations Programme on HIV/AIDS (UNAIDS), Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements (HABITAT), United Nations Children's Fund, United Nations Compensation Commission, United Nations Development Programme, United Nations Population Fund.

Specialized agencies

International Labour Organization, United Nations Educational, Scientific and Cultural Organization, World Health Organization, International Monetary Fund.

Intergovernmental organizations

International Organization for Migration, League of Arab States.

National liberation movement

Palestine.

Other organizations

International Committee of the Red Cross, Sovereign Military Order of Malta.

Non-governmental organizations

General consultative status

Franciscans International, International Abolitionist Federation, International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Special consultative status

African Association of Education for Development, African Commission of Health and Human Rights Promoters, Afro-Asian People's Solidarity Organization, All India Women's Conference, American Association of Jurists, Amnesty International, Anti-Slavery International, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Change, Commission of the Churches on International Affairs of the World Council of Churches, Conference of European Churches, Consultative Council of Jewish Organizations, Coordinating Board of Jewish Organizations, Disabled Peoples' International, Four Directions Council, France Libertés : Fondation Danielle Mitterrand, Friends World Committee for Consultation (Quakers), General Arab Women Federation, General Conference of Seventh-Day Adventists, Human Rights Advocates, Indian Council of Education, Indigenous World Association, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Association against Torture, International Association for Religious Freedom, International Association for the Defense of Religious Liberty, International Association of Democratic Lawyers, International Association of Jewish Lawyers and Jurists, International Association of Penal Law, International Catholic Child Bureau, International Commission of Jurists, International Council of Jewish Women, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights Leagues, International Federation of Social Workers, International Federation of University Women, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute for Non-Aligned Studies, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, International Organization of Indigenous Resource Development, International Organization for the Development of Freedom of Education, International Organization for the Elimination of All Forms of Racial Discrimination, International Prison Watch, International Service for Human Rights, International Union of Young Christian Democrats, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lutheran World Federation, North South XXI, Pax Christi International, Pax Romana, Society for Threatened Peoples, Susila Dharma International Association, Union of Arab Jurists, United Towns Agency for North-South Cooperation, War Resisters International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Federalist Movement, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Movement of Mothers, World Union of Catholic Women's Organization.

Roster

African Bureau of Educational Sciences, Centre Europe - Tiers Monde, Christian Solidarity International, Indian Law Resource Centre, International Association of Educators for World Peace, International Educational Development, International Falcon Movement - Socialist Educational International, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Catholic Universities, International Federation of Free Journalists, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Peace Bureau, International PEN, International Progress Organization, International Studies Association, Liberation, Minority Rights Group, Movement against Racism and for Friendship Among Peoples, Regional Council on Human Rights in Asia, Saami Council, Servas International, Survival International, World Association for the School as an Instrument of Peace, World Christian Life Community, World Organization against Torture, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-EIGHTH SESSION

1. It is anticipated that the requirements related to resolutions and decisions adopted by the Sub-Commission at its forty-eighth session, which are to be considered by the Commission on Human Rights at its fifty-third session, would be absorbed from within the provisions made under section 21 of the 1996-1997 programme budget for activities mandated by the Economic and Social Council.

2. Should the draft decisions recommended to the Commission on Human Rights at its fifty-third session be adopted, no additional resources would be required under section 21 of the programme budget for the 1996-1997 biennium. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its forty-eighth session.

Annex IV

SUB-COMMISSION RESOLUTIONS AND DECISIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE ATTENTION OF THE COMMISSION ON HUMAN RIGHTS

1996/2	Situation of human rights in Kosovo, paragraph 5
1996/5	Situation of human rights in Iraq, paragraphs 1, 7
1996/12	Report of the Working Group on Contemporary Forms of Slavery, paragraphs 12, 13, 38, 44
1996/17	Prevention of discrimination and protection of minorities, paragraphs 4, 16
1996/19	Traditional practices affecting the health of women and children, paragraph 7
1996/23	Human rights and extreme poverty, paragraph 3
1996/25	The realization of economic, social and cultural rights
1996/28	Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, paragraph 1
1996/31	Discrimination against indigenous peoples, paragraphs 3, 14
1996/33	Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS), paragraph 9
1996/35	Permanent forum in the United Nations for indigenous people, paragraphs 1, 2, 4
1996/36	Religious freedom of indigenous peoples, paragraphs 4, 5, 6
1996/37	Protection of the heritage of indigenous people, paragraphs 3, 7
1996/38	Study on indigenous land rights, paragraph 1
1996/39	The relationship between the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations, paragraphs 5, 7, 8
1996/118	Study on treaties, agreements and other constructive arrangements between States and indigenous populations

Annex V

A. STUDIES AND REPORTS COMPLETED AT THE FORTY-EIGHTH SESSION OF THE SUB-COMMISSION a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
8	Extreme poverty b/	Mr. Despouy	Commission on Human Rights resolutions 1993/13, 1994/12, 1995/16, 1996/10 Sub-Commission resolutions 1992/27, 1993/35, 1994/41, 1995/28, 1996/23	Forty-fifth session (1993)	Forty-eighth session (1996)
14	Protection of heritage of indigenous people c/	Ms. Daes	Commission on Human Rights decisions 1994/105, 1995/108, resolution 1996/63 Sub-Commission resolutions 1993/44, 1995/40, 1996/37	Forty-sixth session (1994)	Forty-eighth session (1996)

B. ONGOING STUDIES AND REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
8	Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)	Mr. Guissé	Commission on Human Rights resolution 1994/44 Sub-Commission resolution 1996/24	Forty-fifth session (1993)	Forty-ninth session (1997)

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
8	Human rights and income distribution	Mr. Bengoa	Commission on Human Rights decision 1995/105 Sub-Commission resolution 1996/26	Forty-seventh session (1995)	Forty-ninth session (1997)
14	Treaties, agreements and other constructive arrangements between States and indigenous populations	Mr. Alfonso Martínez	Commission on Human Rights decision 1996/109 Sub-Commission decision 1996/118	Forty-third session (1991)	Forty-ninth session (1997)
18	Human rights dimensions of population transfer	Mr. Al-Khasawneh	Commission on Human Rights decision 1996/108 Sub-Commission resolution 1996/9	Forty-fifth session (1993)	Forty-ninth session (1997)
15	Systematic rape and sexual slavery during armed conflict	Ms. Chavaz	Commission on Human Rights decision 1996/107 Sub-Commission resolution 1996/11	Forty-eighth session (1996)	Forty-ninth session (1997)

C. ANNUAL REPORTS ENTRUSTED TO SPECIAL RAPPORTEURS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
10	Question of human rights and states of emergency	Mr. Despouy	Commission resolution 1996/36 Sub-Commission resolution 1996/30	Thirty-ninth session (1987)	Forty-ninth session (1997)

D. WORKING PAPERS AND OTHER DOCUMENTS WITHOUT FINANCIAL IMPLICATIONS ENTRUSTED TO MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Democracy and the establishment of a democratic society	Mr. El-Hajjé	Commission on Human Rights resolution 1995/60 Sub-Commission decision 1996/117	Forty-eighth session (1996)	Forty-ninth session (1997)
10	Impunity (civil and political rights)	Mr. Joinet	Commission on Human Rights resolution 1994/44 Sub-Commission decision 1996/119	Forty-fifth session (1993)	Forty-ninth session (1997)
10	Fair trial	Mr. Chernichenko/ Mr. Weissbrodt	Sub-Commission resolution 1996/29	Forty-second session (1990)	Publication

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
12	Scientific and technological developments	Mr. El-Hajjé	Sub-Commission decision 1996/110	Forty-ninth session (1997)	Forty-ninth session (1997)
4	Terrorism	Ms. Koufa	Commission on Human Rights resolution 1996/47 Sub-Commission resolution 1996/20	Forty-ninth session (1997)	Forty-ninth session (1997)
18	Freedom of movement	Mr. Boutkevitch	Sub-Commission decision 1996/109	Forty-ninth session (1997)	Forty-ninth session (1997)
3	Methods of work of the Sub-Commission	Mr. Hatano	Commission on Human Rights resolution 1996/25 Sub-Commission decision 1996/114	Forty-ninth session (1997)	Forty-ninth session (1997)
5	Racial discrimination	Mr. Bengoa/ Mr. Mehedi	Commission on Human Rights resolution 1996/25 Sub-Commission decision 1996/120	Forty-ninth session (1997)	Forty-ninth session (1997)

E. STUDIES AND REPORTS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR APPROVAL

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Traditional practices affecting the health of women and children	Mrs. Warzazi	Commission on Human Rights decision 1995/112 Sub-Commission resolution 1996/19	Forty-ninth session (1997)	Fiftieth session (1998)

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

b/ The completed study is comprised of documents E/CN.4/Sub.2/1993/6, E/CN.4/Sub.2/1994/19, E/CN.4/Sub.2/1995/15 and E/CN.4/Sub.2/1996/13.

c/ The completed study is comprised of documents E/CN.4/Sub.2/1994/31, E/CN.4/Sub.2/1995/26 and E/CN.4/Sub.2/1996/22.

Annex VI

LIST OF DOCUMENTS ISSUED FOR THE FORTY-EIGHTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1996/1		Provisional agenda. Note by the Secretary-General
E/CN.4/Sub.2/1996/1 and Add.1		Annotations to the provisional agenda. Prepared by the Secretary-General
E/CN.4/Sub.2/1996/1/Rev.1		Agenda. Note by the Secretary-General
E/CN.4/Sub.2/1996/2	17	Report of the Working Group on Minorities on its first session
E/CN.4/Sub.2/1996/3	4	Note by the Secretary-General
E/CN.4/Sub.2/1996/4	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1996/5	5	[*Not issued in English*]
E/CN.4/Sub.2/1996/6	4	Final report of the Special Rapporteur on traditional practices affecting the health of women and children, Mrs. Halima Embarek Warzazi
E/CN.4/Sub.2/1996/7	4	Working paper on the promotion and protection of human rights by the exercise of democracy and the establishment of a democratic society, submitted by Mr. Osman El-Hajjé in accordance with Sub-Commission decision 1995/116
E/CN.4/Sub.2/1996/8	5 (a)	Note by the Secretariat
E/CN.4/Sub.2/1996/9	6	Note by the Secretary-General
E/CN.4/Sub.2/1996/10	8	The right to adequate housing: note by the Secretariat

E/CN.4/Sub.2/1996/11	8	Guidelines on international events and forced evictions: report of the Secretary-General
E/CN.4/Sub.2/1996/12 and Corr.1	8	The impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter: report of the Secretary-General
E/CN.4/Sub.2/1996/13	8	Final report on human rights and extreme poverty, submitted by the Special Rapporteur, Mr. Leandro Despouy
E/CN.4/Sub.2/1996/14	8	Provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by Mr. José Bengoa, Special Rapporteur
E/CN.4/Sub.2/1996/15	8	Second interim report on the question of the impunity of perpetrators of human rights violations, prepared by Mr. El-Hadji Guissé, Special Rapporteur
E/CN.4/Sub.2/1996/16	10	Report of the sessional working group on the administration of justice and the question of compensation
E/CN.4/Sub.2/1996/17	10	Revised set of basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law prepared by Mr. Theo van Boven pursuant to Sub-Commission decision 1995/117

E/CN.4/Sub.2/1996/18	10	Question of the impunity of perpetrators of violations of human rights (civil and political rights): final report prepared by Mr. L. Joinet, pursuant to Sub-Commission resolution 1995/35
E/CN.4/Sub.2/1996/19 and Corr.1	10 (a)	Ninth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1996/20	11	Note by the Secretary-General
E/CN.4/Sub.2/1996/21 and Corr.1	14	Report of the Working Group on Indigenous Populations on its fourteenth session
E/CN.4/Sub.2/1996/22	14	Protection of the heritage of indigenous people: supplementary report of the Special Rapporteur, Mrs. Erica-Irene Daes, submitted pursuant to Sub-Commission resolution 1995/40 and Commission on Human Rights resolution 1996/63
E/CN.4/Sub.2/1996/23	14	Study on treaties, agreements and other constructive arrangements between States and indigenous populations: third progress report submitted by Mr. Miguel Alfonso Martínez, Special Rapporteur
E/CN.4/Sub.2/1996/24 and Corr. 1	15	Report of the Working Group on Contemporary Forms of Slavery on its twenty-first session
E/CN.4/Sub.2/1996/25 and Add.1	15	Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1995/16.

E/CN.4/Sub.2/1996/26	15	Preliminary report of the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, Ms. Linda Chavez
E/CN.4/Sub.2/1996/27	16 (b)	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1995/17
E/CN.4/Sub.2/1996/28	17	Report of the Working Group on Minorities on its second session
E/CN.4/Sub.2/1996/29	18	Human rights dimensions of population transfer, including the implantation of settlers and settlements: note by the Secretary-General
E/CN.4/Sub.2/1996/30	20	Towards a comprehensive programme for the prevention of discrimination and protection of minorities, including proposals for the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers: some suggestions: working paper submitted by Mr. Asbjørn Eide
E/CN.4/Sub.2/1996/31	8	Human rights and the environment: note by the Secretary-General
E/CN.4/Sub.2/1996/32	6	Note verbale dated 21 May 1996 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1996/33	8	Note verbale dated 21 May 1996 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights

E/CN.4/Sub.2/1996/34	16 (a)	Letter dated 4 June 1996 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1996/35	17	Letter dated 9 July 1996 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1996/36	17	Note verbale dated 14 August 1996 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations Office at Geneva addressed to the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1996/37	6	Letter dated 15 August 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1996/38	6	Letter dated 19 August 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

E/CN.4/Sub.4/1996/39	6, 10 and 18 (b)	Letter dated 15 August 1996 from the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva addressed to the Chairman of the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1996/40	14	Proposal for a Sub-Commission study on indigenous land rights: working paper by Mrs. Erica-Irene A. Daes

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1996/L.1	2	[Symbol not used]
E/CN.4/Sub.2/1996/L.2	6	Situation in the Middle East
E/CN.4/Sub.2/1996/L.3	6	Situation in the Palestinian and other Arab territories occupied by Israel
E/CN.4/Sub.2/1996/L.4	6	Situation of human rights in Kosovo
E/CN.4/Sub.2/1996/L.5	6	Country review methods
E/CN.4/Sub.2/1996/L.6	6	Situation of human rights in Rwanda
E/CN.4/Sub.2/1996/L.7	6	Situation of human rights in Burundi
E/CN.4/Sub.2/1996/L.8	6	Situation of human rights in Iraq
E/CN.4/Sub.2/1996/L.9/Rev.1	6	Situation of human rights in the Islamic Republic of Iran
E/CN.4/Sub.2/1996/L.10 and Add. 1-18	22	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session

E/CN.4/Sub.2/1996/L.11 and Add. 1-4	22	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session
E/CN.4/Sub.2/1996/L.12	6	Situation of human rights in Turkey
E/CN.4/Sub.2/1996/L.13	6	The human rights situation in Colombia
E/CN.4/Sub.2/1996/L.14	6	Humanitarian situation in Iraq
E/CN.4/Sub.2/1996/L.15	15	Systematic rape and sexual slavery during periods of armed conflict
E/CN.4/Sub.2/1996/L.16	18	The right to freedom of movement
E/CN.4/Sub.2/1996/L.17	13	International peace and security as an essential condition for the enjoyment of human rights, above all the right to life
E/CN.4/Sub.2/1996/L.18	13	International peace and security as an essential condition for the enjoyment of human rights, above all the right to life
E/CN.4/Sub.2/1996/L.19	10	Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms
E/CN.4/Sub.2/1996/L.20	16	Thirtieth anniversary of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and twentieth anniversary of their entry into force
E/CN.4/Sub.2/1996/L.21	4	Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)
E/CN.4/Sub.2/1996/L.22	5	Racism and racial discrimination
E/CN.4/Sub.2/1996/L.23	10	The right to a fair trial

E/CN.4/Sub.2/1996/L.24	18	The right to freedom of movement
E/CN.4/Sub.2/1996/L.25/Rev.1	17	Prevention of discrimination and protection of minorities
E/CN.4/Sub.2/1996/L.26	13	Injurious effects of anti-personnel land-mines
E/CN.4/Sub.2/1996/L.27	15	Report of the Working Group on Contemporary Forms of Slavery
E/CN.4/Sub.2/1996/L.28	12	Human rights and scientific and technological developments
E/CN.4/Sub.2/1996/L.29	18	Migrant workers
E/CN.4/Sub.2/1996/L.30	3	Methods of work of the Sub-Commission
E/CN.4/Sub.2/1996/L.31	14	Discrimination against indigenous peoples
E/CN.4/Sub.2/1996/L.32	14	United Nations Voluntary Fund for Indigenous Populations and Voluntary Fund for the International Decade of the World's Indigenous People
E/CN.4/Sub.2/1996/L.33	14	International Decade of the World's Indigenous People
E/CN.4/Sub.2/1996/L.34	14	Permanent forum in the United Nations for indigenous people
E/CN.4/Sub.2/1996/L.35	8	Tenth anniversary of the adoption of the Declaration on the Right to Development
E/CN.4/Sub.2/1996/L.36	4	Recognition of gross and massive violations of human rights as an international crime
E/CN.4/Sub.2/1996/L.37	3	Reform of the work of the Sub-Commission
E/CN.4/Sub.2/1996/L.38	4	Traditional practices affecting the health of women and children
E/CN.4/Sub.2/1996/L.39	14	Religious freedom of indigenous peoples

E/CN.4/Sub.2/1996/L.40	4	Human rights and terrorism
E/CN.4/Sub.2/1996/L.41	3	Methods of work of the Sub-Commission
E/CN.4/Sub.2/1996/L.42	3	Methods of work of the Sub-Commission regarding agenda item 6
E/CN.4/Sub.2/1996/L.43	4	Democratic society
E/CN.4/Sub.2/1996/L.44	8	Human rights and extreme poverty
E/CN.4/Sub.2/1996/L.45	10	Question of human rights and states of emergency
E/CN.4/Sub.2/1996/L.46	8	Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)
E/CN.4/Sub.2/1996/L.47	8	The relationship between the enjoyment of human rights, in particular economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations
E/CN.4/Sub.2/1996/L.48	11	Implementation of the human rights of women and the girl child
E/CN.4/Sub.2/1996/L.49	8	The realization of economic, social and cultural rights
E/CN.4/Sub.2/1996/L.50	8	Human rights and income distribution
E/CN.4/Sub.2/1996/L.51	14	Protection of the heritage of indigenous people
E/CN.4/Sub.2/1996/L.52	14	Study on indigenous land rights
E/CN.4/Sub.2/1996/L.53	15	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
E/CN.4/Sub.2/1996/L.54	8	Forced evictions

E/CN.4/Sub.2/1996/L.55	3	Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination
E/CN.4/Sub.2/1996/L.56	10	The administration of justice and the human rights of detainees
E/CN.4/Sub.2/1996/L.57	14	Study on the treaties, agreement and other constructive arrangements between States and Indigenous Populations
E/CN.4/Sub.2/1996/L.58	18	Human rights and population transfers

Documents issued in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/Sub.2/1996/NGO/1	6	Joint written statement submitted by Caritas Internationalis and the Lutheran World Federation, non-governmental organization in consultative status (category II) and the World Christian Life Community, a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/2	6	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/3	6	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/4	10	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/5	10	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/6	6	Written statement submitted by International Educational Development, a non-governmental organization on the Roster

E/CN.4/Sub.2/1996/NGO/7	6	Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/8	6	Written statement submitted by the international Association for World Peace, a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/9	8	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/10	8	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/11	10	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/12	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/13	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/14	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/15	14	Written statement submitted by the International Movement Against All Forms of Discrimination and Racism, a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/16	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

E/CN.4/Sub.2/1996/NGO/17	10	Written statement submitted by the Consultative Council of Jewish Organizations, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/18	11	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/19	15	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/20	6	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/21	17	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/22	16	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/23	18 (b)	Written statement submitted by the Transnational Radical Party, a non-governmental organization in consultative status (category I)
CN.4/Sub.2/1996/NGO/24	6	Written statement submitted by The World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)
E/CN.4/Sub.2/1996/NGO/25	6	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/26	10	[*Not issued in English*]
E/CN.4/Sub.2/1996/NGO/27	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/28	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/29	6	[*Not issued in English*]

E/CN.4/Sub.2/1996/NGO/30	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/31	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/32	8	Written statement submitted by the International Federation Terres des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/33	18	[Not issued in English]
E/CN.4/Sub.2/1996/NGO/34	13	Joint written statement submitted by the Afro-Asian Peoples' Solidarity Organization, the International Institute for Non-Aligned Studies and the Union of Arab Jurists, non-governmental organizations in consultative status (category II) and by the International Progress Organization, a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/35		[Withdrawn]
E/CN.4/Sub.2/1996/NGO/36	19	Joint written statement submitted by the Franciscans International and the World Federation of Democratic Youth, non-governmental organizations in consultative status (category I), the African Association of Education for Development, the American Association of Jurists, France Libértés : Fondation Danielle Mitterand, the International Federation of Human Rights, the International League for the Rights and Liberation of Peoples, the International Movement for Fraternal Union among Races and Peoples, Pax Christi International and Pax

		Romana, non-governmental organizations in consultative status (category II), Centre Europe-Tiers Monde, International Educational Development and Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster
E/CN.4/Sub.2/1996/NGO/37	11	Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1996/NGO/38	10	Written statement submitted by Liberation, a non-governmental organization on the Roster
E/CN.4/Sub.2/1996/NGO/39	10	Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)
